

Attachment A: Kentucky Revised Statute and Kentucky Administrative Regulations

KRS 158.645 – KRS 158.6455

703 KAR 5:020 – Long-Term Accountability Model

703 KAR 5:040 – Definition and Accountability for A1-A6 Schools

703 KAR 5:050 – Appeals of Performance Judgments

703 KAR 5:070 – Inclusion of All Students

703 KAR 5:080 – Administration Code

703 KAR 5:120 – School Accountability and Scholastic Audits & Reviews

703 KAR 5:130 – District Accountability

703 KAR 5:140 – School & District Report Cards

**SB 168 – Regular Session of the Kentucky General Assembly – 2002
(codified as KRS 158.649)**

158.645 Capacities required of students in public education system.

The General Assembly recognizes that public education involves shared responsibilities. State government, local communities, parents, students, and school employees must work together to create an efficient public school system. Parents and students must assist schools with efforts to assure student attendance, preparation for school, and involvement in learning. The cooperation of all involved is necessary to assure that desired outcomes are achieved. It is the intent of the General Assembly to create a system of public education which shall allow and assist all students to acquire the following capacities:

- (1) Communication skills necessary to function in a complex and changing civilization;
- (2) Knowledge to make economic, social, and political choices;
- (3) Core values and qualities of good character to make moral and ethical decisions throughout his or her life;
- (4) Understanding of governmental processes as they affect the community, the state, and the nation;
- (5) Sufficient self-knowledge and knowledge of his mental and physical wellness;
- (6) Sufficient grounding in the arts to enable each student to appreciate his or her cultural and historical heritage;
- (7) Sufficient preparation to choose and pursue his life's work intelligently; and
- (8) Skills to enable him to compete favorably with students in other states.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 162, sec. 2, effective July 14, 2000. -- Created 1990 Ky. Acts ch. 476, Pt. I, sec. 2, effective July 13, 1990.

158.6451 Legislative declaration on goals for Commonwealth's schools -- Model curriculum framework.

- (1) The General Assembly finds, declares, and establishes that:
 - (a) Schools shall expect a high level of achievement of all students.
 - (b) Schools shall develop their students' ability to:
 1. Use basic communication and mathematics skills for purposes and situations they will encounter throughout their lives;
 2. Apply core concepts and principles from mathematics, the sciences, the arts, the humanities, social studies, and practical living studies to situations they will encounter throughout their lives;
 3. Become self-sufficient individuals of good character exhibiting the qualities of altruism, citizenship, courtesy, honesty, human worth, justice, knowledge, respect, responsibility, and self-discipline;
 4. Become responsible members of a family, work group, or community, including demonstrating effectiveness in community service;
 5. Think and solve problems in school situations and in a variety of situations they will encounter in life; and
 6. Connect and integrate experiences and new knowledge from all subject matter fields with what they have previously learned and build on past learning experiences to acquire new information through various media sources.
 - (c) Schools shall increase their students' rate of school attendance.
 - (d) Schools shall reduce their students' dropout and retention rates.
 - (e) Schools shall reduce physical and mental health barriers to learning.
 - (f) Schools shall be measured on the proportion of students who make a successful transition to work, post-secondary education, and the military.
- (2) The Kentucky Board of Education shall disseminate to local school districts and schools a model curriculum framework which is directly tied to the goals, outcomes, and assessment strategies developed pursuant to this section and KRS 158.645 and 158.6453. The framework shall provide direction to local districts and schools as they develop their curriculum. The framework shall identify teaching and assessment strategies, instructional material resources, ideas on how to incorporate the resources of the community, a directory of model teaching sites, alternative ways of using school time, and strategies to incorporate character education throughout the curriculum.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 162, sec. 3, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 362, sec. 6, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 256, sec. 2, effective July 1, 1994. -- Created 1990 Ky. Acts ch. 476, Pt. I, sec. 3, effective July 13, 1990.

158.6452 School Curriculum, Assessment, and Accountability Council.

- (1) A School Curriculum, Assessment, and Accountability Council is hereby created to study, review, and make recommendations concerning Kentucky's system of setting academic standards, assessing learning, holding schools accountable for learning, and assisting schools to improve their performance. The council shall advise the Kentucky Board of Education and the Legislative Research Commission on issues related to the development and communication of the academic expectations and core content for assessment, the development and implementation of the statewide assessment and accountability program, the distribution of rewards and imposition of sanctions, and assistance for schools to improve their performance under KRS 158.6453, 158.6455, 158.782, and 158.805.
- (2) The School Curriculum, Assessment, and Accountability Council shall be composed of seventeen (17) voting members appointed by the Governor. On making appointments to the council, the Governor shall assure broad geographical representation and representation of elementary, middle, and secondary school levels; assure equal representation of the two (2) sexes, inasmuch as possible; and assure that appointments reflect the minority racial composition of the Commonwealth. The members shall serve terms of two (2) years with no member serving more than two (2) consecutive terms, except that seven (7) of the initial appointments shall be for four (4) year terms. The members shall be appointed as follows:
 - (a) Two (2) parents from recommendations submitted by organizations representing school councils and parents;
 - (b) Two (2) teachers from recommendations submitted by organizations representing teachers;
 - (c) Two (2) superintendents from recommendations submitted by organizations representing superintendents;
 - (d) Two (2) principals from organizations representing school administrators;
 - (e) Two (2) local school board members from recommendations submitted by organizations representing school boards;
 - (f) Two (2) school district assessment coordinators from recommendations submitted by organizations representing district assessment coordinators;
 - (g) Two (2) employers in the state from recommendations submitted by organizations representing business and industry;
 - (h) Two (2) university professors with expertise in assessment and measurement; and
 - (i) One (1) at-large member.
- (3) The School Curriculum, Assessment, and Accountability Council shall elect a chair annually from its membership.
- (4) The members shall be remunerated for actual and necessary expenses incurred while attending meetings of the council or while serving as representative of the council.
- (5) The School Curriculum, Assessment, and Accountability Council shall meet at least four (4) times each year at times and places as it determines by resolution.

- (6) The School Curriculum, Assessment, and Accountability Council shall be attached to the Department of Education for administrative purposes. It shall be provided appropriate staff and resources to conduct its work.

Effective: April 14, 1998

History: Created 1998 Ky. Acts ch. 598, sec. 5, effective April 14, 1998.

158.6453 Assessment of achievement of goals -- Development of Commonwealth Accountability Testing System -- Components -- Assessment design -- Biennial plan for validation studies -- Local assessment -- School report card.

- (1) The Kentucky Board of Education shall be responsible for creating and implementing a statewide assessment program to be known as the Commonwealth Accountability Testing System to ensure school accountability for student achievement of the goals set forth in KRS 158.645 and 158.6451. The board shall seek the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability in the development of the program. The statewide assessment program shall not include measurement of a student's ability to become a self-sufficient individual or to become a responsible member of a family, work group, or community.
- (2) The assessment program shall include the following components:
 - (a) A customized or commercially available norm-referenced test that measures, to the extent possible, the core content for assessment. The test shall provide valid and reliable results for individual students;
 - (b) Open-response or multiple-choice items, or both, to assess student skills in reading, mathematics, science, social studies, the arts, the humanities, and practical living and vocational studies; and an on-demand assessment of student writing. These assessments shall measure, to the extent possible, the core content for assessment;
 - (c) Writing portfolios consisting of samples of student work. After receiving the advice of the Writing Advisory Committee, the Kentucky Board of Education shall, by September 1 following April 14, 1998, file a notice of intent to promulgate an administrative regulation which reduces the teacher and student time involved in preparing a writing portfolio. Time reduction strategies included in the administrative regulation may include, but are not limited to, limiting the time spent on a single portfolio entry, limiting the number of revisions, or collecting entries at different grade levels;
 - (d) Performance assessment events for schools that have students enrolled in performing arts organizations sponsoring sanctioned events with an established protocol for adjudication; and
 - (e) A technically sound longitudinal comparison of the assessment results for the same students.
- (3) Kentucky teachers shall have a significant role in the design of the assessments. The assessments shall be designed to:
 - (a) Measure grade appropriate core academic content, basic skills, and higher-order thinking skills and their application. The assessment shall measure the core content for assessment used by the Department of Education during the 1997-98 school year. Any revisions to the core content for assessment shall be developed through a public process involving parents; educators at the elementary, secondary, and postsecondary education levels; professional education advocacy groups and

organizations; and business and civic leaders and shall be distributed to all public schools;

- (b) Provide valid and reliable scores for schools. If scores are reported for students individually, they shall be valid and reliable; and
 - (c) Minimize the time spent by teachers and students on assessment.
- (4) Results from the state assessment under this section shall be reported to the school districts and schools no later than one hundred fifty (150) days following the first day the assessment can be administered.
 - (5) The Department of Education shall gather information to establish the validity of the assessment and accountability program. It shall develop a biennial plan for validation studies that shall include but not be limited to the consistency of student results across multiple measures, the congruence of school scores with documented improvements in instructional practice and the school learning environment, and the potential for all scores to yield fair, consistent, and accurate student performance level and school accountability decisions. Validation activities shall take place in a timely manner and shall include a review of the accuracy of scores assigned to students and schools, as well as of the testing materials. The plan shall be submitted to the Commission by July 1 of the first year of each biennium. A summary of the findings shall be submitted to the Legislative Research Commission by September 1 of the second year of the biennium.
 - (6) In addition to statewide testing for the purpose of determining school success, the board shall have the responsibility of assisting local school districts and schools in developing and using continuous assessment strategies needed to assure student progress. The continuous assessment shall provide diagnostic information to improve instruction to meet the needs of individual students.
 - (7) The Kentucky Board of Education, after the Department of Education has received advice from the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, shall promulgate an administrative regulation under KRS Chapter 13A to establish the components of a school report card that clearly communicates with parents and the public about school performance. The school report card shall be sent to the parents of the students of the districts, and a summary of the results for the district shall be published in the newspaper with the largest circulation in the county. It shall include but not be limited to the following components reported by race, gender, and disability when appropriate:
 - (a) Student academic achievement, including the results from each of the assessments administered under this section;
 - (b) Nonacademic achievement, including the school's attendance, retention, dropout rates, and student transition to adult life; and
 - (c) School learning environment, including measures of parental involvement.

Effective: July 15, 2002

History: Amended 2002 Ky. Acts ch. 213, sec. 1, effective July 15, 2002. -- Amended 1998 Ky. Acts ch. 598, sec. 11, effective April 14, 1998. -- Amended 1996 Ky. Acts ch. 362, sec. 6, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 256, sec. 3, effective July 15, 1994; and ch. 408, sec. 2, effective July 15, 1994. -- Created 1990 Ky. Acts ch. 476, Pt. I, sec. 4, effective July 13, 1990.

158.6454 National Technical Advisory Panel on Assessment and Accountability.

The Legislative Research Commission shall appoint a National Technical Advisory Panel on Assessment and Accountability composed of no fewer than three (3) professionals with a variety of expertise in education testing and measurement. The panel shall advise the Commission and, upon approval of the director of the Commission, the Kentucky Board of Education and the Department of Education, in the implementation of KRS 158.6453 and 158.6455. The Commission is authorized to contract for the services and expenses of the panel members.

Effective: April 14, 1998

History: Created 1998 Ky. Acts ch. 598, sec. 6, effective April 14, 1998.

158.6455 System to identify and reward successful schools -- School accountability index -- Consequences for schools not meeting goals -- Scholastic audits -- Formula for school accountability and improvement goal -- District accountability -- Appeals of performance judgments.

It is the intent of the General Assembly that schools succeed with all students and receive the appropriate consequences in proportion to that success.

- (1) (a) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education shall promulgate administrative regulations in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A to establish a system for identifying and rewarding successful schools. A reward shall be distributed to successful schools based on the number of full-time, part-time, and itinerant certified staff employed in the school on the last working day of the year of the reward to be used for school purposes as determined by the school council or, if none exists, the principal. The Kentucky Board of Education shall identify reports, paperwork requirements, and administrative regulations from which high performing schools shall be exempt.
 - (b) Effective July 1, 2006, the Kentucky Board of Education shall reward schools that exceed their improvement goal and have an annual average dropout rate below five percent (5%).
- (2) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education shall promulgate by administrative regulation in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A the formula for a school accountability index to classify schools every two (2) years based on whether they have met their threshold level for school improvement, with school years 1998-2000 serving as the baseline. The formula shall reflect the school goals described in KRS 158.6451, except there shall be no measurement of the goals included in subsection (1)(b)3. and (1)(b)4.
- (3) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education shall promulgate an administrative regulation in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A to establish appropriate consequences for schools failing to meet their threshold. The consequences shall be designed to improve teaching and learning and may include, but not be limited to:
 - (a) A scholastic audit process under subsection (4) of this section to determine the appropriateness of a school's classification and to recommend needed assistance;
 - (b) School improvement plans;

- (c) Eligibility to receive Commonwealth school improvement funds under KRS 158.805;
 - (d) Education assistance from highly skilled certified staff under KRS 158.782;
 - (e) Evaluation of school personnel; and
 - (f) Student transfer to successful schools.
- (4) (a) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education shall promulgate an administrative regulation in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A establishing the guidelines for conducting scholastic audits, which shall include the process for:
- 1. Appointing and training team members. The team shall include at least a highly skilled certified educator under KRS 158.782, a teacher, a principal or other local district administrator, a parent, and a university faculty member;
 - 2. Reviewing a school's learning environment, efficiency, and academic performance of students and the quality of the school council's data analysis and planning in accordance with KRS 160.345(2)(j);
 - 3. Evaluating each certified staff member assigned to the school. Only certified members of the audit team shall evaluate personnel; and
 - 4. Making a recommendation to the Kentucky Board of Education about the appropriateness of a school's classification and a recommendation concerning the assistance required by the school to improve teaching and learning.
- (b) For information purposes, the board shall also conduct scholastic audits in a sample of schools that achieved their goal and report to the public on the resulting findings regarding each aspect of the schools' operations required under subparagraph 2. of paragraph (a) of this subsection.
- (5) (a) Notwithstanding subsections (2), (3), and (4) of this section and KRS 158.645 to 158.805, the Kentucky Board of Education, after receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, shall promulgate an administrative regulation in conformity with the provisions of KRS 158.6471 and 158.6472 and in accordance with KRS Chapter 13A, establishing a formula for school accountability and a school improvement goal for each school for the 1998-1999 and 1999-2000 school years, with the 1996-97 and 1997-98 school years serving as the baseline. The formula shall be based on the academic and nonacademic components that are administered in a consistent manner during the four (4) year period.
- (b) 1. The Kentucky Board of Education shall reward schools that exceed their improvement goal and have an annual average dropout rate below eight percent (8%).

2. Schools failing to improve as identified by the board shall be reviewed by a scholastic audit team appointed by the state board under subsection (4) of this section. The audit shall not include a formal evaluation of each certified staff member. The team shall determine whether the school shall have highly skilled education assistance for advisory purposes. All schools failing to achieve their goal shall develop a school improvement plan and shall be eligible for school improvement funds under KRS 158.805.
- (6) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education may promulgate by administrative regulation, in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A, a system of district accountability that includes establishing a formula for accountability, goals for improvement over a two (2) year period, rewards for leadership in improving teaching and learning in the district, and consequences that address the problems and provide assistance when the district fails to achieve its goals set by the board.
- (7) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the National Technical Advisory Panel on Assessment and Accountability, the Kentucky Board of Education shall promulgate administrative regulations in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A, to establish a process whereby a school shall be allowed to appeal a performance judgment which it considers grossly unfair. Upon appeal, an administrative hearing shall be conducted in accordance with KRS Chapter 13B. The state board may adjust a performance judgment on appeal when evidence of highly unusual circumstances warrants the conclusion that the performance judgment is based on fraud or a mistake in computations, is arbitrary, is lacking any reasonable basis, or when there are significant new circumstances occurring during the biennial assessment period which are beyond the control of the school.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 212, sec. 2, effective July 14, 2000; and ch. 452, sec. 6, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 598, sec. 12, effective April 14, 1998. -- Amended 1996 Ky. Acts ch. 318, sec. 49, effective July 15, 1996; and ch. 362, sec. 6, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 256, sec. 4, effective July 1, 1994; and ch. 408, sec. 3, effective July 15, 1994. -- Created 1990 Ky. Acts ch. 476, Pt. I, sec. 5, effective July 13, 1990.

Legislative Research Commission Note (7/14/2000). This section was amended by 2000 Ky. Acts chs. 212 and 452, which do not appear to be in conflict and have been codified together.

703 KAR 5:020. The formula for determining school performance classifications and school rewards.

RELATES TO: KRS 158.645, 158.6451, 158.6453, 158.6455, 158.6457

STATUTORY AUTHORITY: KRS 156.070, 158.6455

NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.6455 requires the Kentucky Board of Education to promulgate administrative regulations to establish a system for identifying and rewarding successful schools and to establish appropriate consequences for schools failing to meet or exceed their assistance line. This administrative regulation establishes procedures for determining successful schools, school rewards, and classifications of schools within the school accountability program.

Section 1. Definitions. (1) "Academic index" means the summary statistic or index which describes school success on the academic goals one (1), two (2), five (5), and six (6) set forth in KRS 158.6451(1)(b).

(2) "Accountability index" means the statistic defined in KRS 158.6457(1).

(3) "Accountability level" means elementary (grades end of primary, four (4), and five (5)), middle (grades six (6), seven (7), and eight (8)), or high school (grades nine (9), ten (10), eleven (11), and twelve (12)).

(4) "Assistance line" means that unique line for a school that starts in the biennium ending with the school year 2001-2002 at one (1) standard error of measurement below the school's baseline accountability index to a point that is one (1) standard error of measurement below eighty (80) on the accountability index scale in the biennium ending with the school year 2013-2014. The calculated points defining this line shall be rounded to the nearest tenth. If a school's baseline is above eighty (80), the assistance line is a horizontal line at eighty (80) minus one (1) standard error of measurement.

(5) "Alternate portfolio" means that component of the assessment system designed for students with legally identified disabilities who cannot with the assistance of adaptive devices available participate in the regular curriculum.

(6) "Alternate portfolio scores" means the scores assigned by teachers, or scores reassigned through state scoring review procedures, to a collection of best pieces of student work assembled through the instructional process.

(7) "Baseline accountability index" means the accountability index score that describes the school's average performance during the 1998-99 and 1999-2000 school years, and is that number against which progress shall be measured.

(8) "Gained population" means students in grades at which accountability assessments are administered who now attend a different school because of service area boundary changes or other local board of education policy changes affecting the school population served.

(9) "Goal line" means a fixed line that extends from a point that is one (1) standard error of measurement below school's baseline index to a point that is one (1) standard error of measurement below the state goal established for the target biennium. Points calculated defining this line shall be rounded to the nearest tenth. In any biennium, a school's growth accountability index shall be at or above this line in order to achieve a classification of meets goal in recognition of growth.

(10) "Growth accountability index" means the average accountability index that describes the school's performance every two (2) years beginning with the 2000-2001 and 2001-2002 school years.

(11) "Lost population" means students in grades at which accountability assessments are administered who no longer can attend a particular school because of service area boundary changes or other local board of education policy changes affecting school population served.

(12) "Nonacademic index" means the statistic which describes school success on the nonacademic goals set forth in KRS 158.6451(1)(c), (d), and (f).

(13) "Reward share" means the unit of money to be distributed to schools, and is determined by the total amount of the money available for rewards in a biennium and the total number of shares to be awarded.

(14) "School classification" means the status of a school or school district, including meets goal, progressing, or in need of assistance based on measures of growth.

(15) "School" means an A1 school as defined in 703 KAR 5:040, Section 1(1).

(16) "School recognition points" means those points as defined in this administrative regulation for the purpose of recognizing school standing.

(17) "Stable population" means students in grades at which accountability assessments are administered who would have attended the school prior to and after any service area boundary changes or other local board of education policy changes affecting school population served.

(18) "Standard error of measurement" means, for purposes of the assistance line or the goal line, the statistic derived from the baseline calculations taking into account appropriate sources of measurement error and number of students assessed.

(19) "Standing of a school" means the actual performance of a school as measured by the accountability index.

(20) "State goal" means 100 on the accountability index scale which all schools are expected to meet by the target biennium.

(21) "Student achievement levels" means categories of student learning in each of the content areas, including nonperformance, medium novice, high novice, low apprentice, medium apprentice, high apprentice, proficient, or distinguished.

(22) "Target biennium" means the biennium by the end of which schools are expected to reach the state goal, which is the biennium ending with the 2013-2014 school year.

(23) "Threshold" means the point on the goal line corresponding to the end year of the biennium.

(24) "Writing portfolio scores" means the scores assigned by teachers, or scores reassigned through portfolio scoring audit procedures, to a collection of a student's best work.

Section 2. Academic and Nonacademic Index Calculations. (1) The points assigned to students scoring at each student achievement level and sublevel for purposes of computing the academic indices for a particular content area shall include:

(a) Nonperformance - if a total open-response raw score of less than one (1), and multiple-choice total raw score that is less than chance performance and the score converts to less than medium novice, it shall be assigned a score of zero. For the writing or alternate portfolio, a blank or incomplete response shall be assigned a score of zero;

(b) Medium novice (reading, mathematics, science, social studies, alternate portfolio, writing on-demand prompt, writing portfolio, arts and humanities, practical living and vocational studies) shall be assigned a score of thirteen (13);

(c) High novice (reading, mathematics, science, and social studies) shall be assigned a score of twenty-six (26);

(d) Low apprentice (reading, mathematics, science, and social studies) shall be assigned a score of forty (40);

(e) Medium apprentice (reading, mathematics, science, social studies, alternate portfolio, writing on-demand prompt, writing portfolio, arts and humanities, practical living and vocational studies) shall be assigned a score of sixty (60);

(f) High apprentice (reading, mathematics, science, and social studies) shall be assigned a score of eighty (80);

(g) Proficient in all content areas shall be assigned a score of 100, or distinguished in all content areas shall be assigned a score of 140.

(2) For all content areas except writing, the scores derived from the Kentucky Core Content Test shall be based on a scoring method that assigns sixty-seven (67) percent of the weight of the scores from open-response items and thirty-three (33) percent of the weight from multiple-choice items. The writing score shall be based on the writing prompt and the writing portfolio.

(3) The values for attendance rate and successful transition to adult life rate shall be the actual percentage reported. The values entered into formula calculations for retention rate and dropout rate shall be 100 minus the actual percentage calculated. Nonacademic data for a particular assessment year shall be calculated using the data from the previous school year. Nonacademic data shall be based on all grades within a school building generating appropriate data as follows:

(a) Attendance, primary through grade twelve (12);

(b) Retention rates, grades four (4) through twelve (12);

(c) Dropout rates, grades seven (7) through twelve (12); and

(d) Successful transition to adult life for the graduating students.

(4) Scores from alternate portfolios shall be included in the academic indices so that the data from an alternate portfolio completed by a student eligible to participate with an alternate portfolio contributes the same weight to the academic component of the accountability index as would the data for a student participating in the regular components of the assessment program at the elementary, middle, or high school levels.

Section 3. Components of the Accountability Index and Weights. (1) The accountability index shall consist of two (2) components. Component one (1) consists of academic indices and the nonacademic index. Component two (2) shall be an index created from a national norm-reference test (NRT). Component one (1) shall comprise ninety-five (95) percent of the total index. Component two (2) shall comprise five (5) percent of the index.

(2) The accountability index shall be rounded to the nearest tenth on the accountability scale.

(3) Computing the academic index for each of the content areas of writing, reading, mathematics, science, social studies, arts and humanities, and practical living and vocational studies shall be based on the average of student scores as described in Section 2(1) of this administrative regulation.

Component one (1) of the accountability index shall be calculated according to the following weights:

(a) Elementary school (grades end of primary - five (5))

Content Area	Component One (Without NRT)	Component One and Two (With NRT)
Reading	20%	19.00%
Mathematics	20%	19.00%
Science	15%	14.25%
Social studies	15%	14.25%
Writing (15%)		
Writing On-Demand Prompt	3%	2.85%
Writing Portfolio	12%	11.40%
Arts and Humanities	5%	4.75%
Practical Living and Vocational Studies	5%	4.75%
Nonacademic Index (5%)		
Attendance Rate	4%	3.80%
Retention Rate	1%	0.95%
National-Norm Referenced Test	(Not Applicable)	5.00%
	100%	100.00%

(b) Middle school (grades six (6) - eight (8))

Content Area	Component One (Without NRT)	Component One and Two (With NRT)
Reading	15%	14.25%
Mathematics	15%	14.25%
Science	15%	14.25%
Social studies	15%	14.25%
Writing (15%)		
Writing On-Demand Prompt	3%	2.85%

Writing Portfolio	12%	11.40%
Arts and Humanities	7.5%	7.125%
Practical Living and Vocational Studies	7.5%	7.125%
Nonacademic Index (10%)		
Attendance Rate	4%	3.80%
Retention Rate	4%	3.80%
Dropout Rate	2%	1.90%
National-Norm Referenced Test	(Not Applicable)	5.00%
	100%	100%

(c) High school (grades nine (9) - twelve (12))

Content Area	Component One (Without NRT)	Component One and Two (With NRT)
Reading	15%	14.25%
Mathematics	15%	14.25%
Science	15%	14.25%
Social studies	15%	14.25%
Writing (15%)		
Writing On-Demand Prompt	3%	2.85%
Writing Portfolio	12%	11.40%
Arts and Humanities	7.5%	7.125%
Practical Living and Vocational Studies	7.5%	7.125%
Nonacademic Index (10%)		
Attendance Rate	2%	1.90%
Retention Rate	0.5%	0.48%
Dropout Rate	3.75%	3.56%
Successful Transition to Adult Life	3.75%	3.56%
National-Norm Referenced Test	(Not Applicable)	5.00%

	100%	100%
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(4) The academic index for each content area and the nonacademic index shall be determined by summing the indices as described in this section.

(5) Component one (1) of the accountability index shall be calculated by aggregating the data from all of the students in the school.

(6) Component two (2) of the accountability index shall be derived from the national norm referenced assessment as follows:

(a) Student performance standards comparable to those used in component one (1) and described in Section 2 of this administrative regulation shall be established by the end of the year 2000.

(b) Scores shall be associated with each performance level as described in Section 2 of this administrative regulation; and

(c) The component two (2) index shall be based on the average of the scores.

Section 4. Schools Not Conforming to the Standard Grade Configuration. (1) For the Kentucky Core Content Test, if a school does not have grades four (4) and five (5) at the elementary level, grades seven (7) and eight (8) at the middle school, or grades ten (10), eleven (11), and twelve (12) at the high school, the school shall be combined with the school or schools having the missing grade(s) its students previously attended or would subsequently attend, forming a single school accountability unit.

(2) A school that does not contain a grade at which the national norm-referenced test is administered shall have its accountability index calculated using only the weights specified as component one (1) of the index in Section 3 of this administrative regulation. Schools that have more than one (1) grade at which the national norm-referenced test is administered shall have those grades combined to form the basis for component two (2) of the calculations described in Section 3 of this administrative regulation.

(3) A school or school district may request a waiver of the requirements of subsections (1) and (2) of this section or from the normal configuration of schools (elementary, middle, or high school) from the Kentucky Board of Education specifying other combinations of schools and assessment data if all students in an accountability grade are included, and all schools are accountable for all content areas assessed. A condition for the granting of a waiver shall be that each affected school and school district shall waive in writing its right to make the school configuration for which it sought a waiver the basis of a subsequent appeal of a school's classification. A waiver request shall be received by the Kentucky Department of Education by June 30 of the year prior to the biennium for which the waiver is requested. For the biennium ending in school year 2000, a waiver request shall be received by the Kentucky Department of Education by September 1, 1999.

Section 5. Schools Having More than One (1) Accountability Level. If a school has more than one (1) accountability level, the school's accountability index shall be the average of the academic and nonacademic data for the school.

Section 6. School Service Area Reconfigurations. (1) If as a result of a change in service area boundaries or local board of education policies affecting student population served by a school, less than eighty (80) percent of a school's student population at its accountability grades is stable, the school shall be considered a reconfigured school. To determine if eighty (80) percent of the population is stable, the number of students in the stable population shall be divided by the sum of that number, plus the lost population, plus the gained population. If the result is less than eight-tenths (.8), the school shall be considered a reconfigured school.

(2) A school that would be considered a reconfigured school in the 1998-1999 school year shall be treated as if it were not reconfigured, with the exception that the nonacademic index for the district from the previous year at the corresponding level (elementary, middle, or high school) shall be substituted for that school's nonacademic data. Schools reconfigured after the 1998-1999 school year shall be assigned a baseline calculated from the 1998-1999 and 1999-2000 aggregate district level data for the appropriate level (elementary, middle, or high school).

(3) A school district shall notify the Department of Education of any school considered a reconfigured school as provided in this administrative regulation by September 30 of the school year in which the reconfiguration occurs. A school that is considered a reconfigured school in either year of a biennium after 2000 on which accountability decisions are based shall have the performance judgment that would have applied to the district at that level (elementary, middle, or high school), if separate decisions (elementary, middle, or high school) were to be applied at the district level. In the alternative, a school district may submit to the Department of Education a plan for reconstituting baseline data taking into consideration the changes in service areas. The plan shall assure that local district calculations are accurate and appropriately include all student data in both baseline and growth index calculations. The plan shall be submitted to the Department of Education at the same time the district notifies the Department of Education of the school reconfiguration. If the Department of Education approves the plan, it shall become effective and shall remain in effect unless a specific waiver from this reconfiguration arrangement is requested from and granted by the Kentucky Board of Education as provided in this administrative regulation. This alternative shall not be implemented until the affected schools have a complete biennium of data to be considered in the growth calculations. A condition for acceptance of the plan shall be that each affected school and school district shall waive in writing its right to make the plan the basis of a subsequent appeal of a school's classification.

(4) A school that has contained more than one (1) level (elementary, middle, or high school) and is reconfigured by removing an entire level of the accountability grades may request that the portion of the school remaining stable be considered within the accountability system using its established historical data.

(5) A school in transition because of a new building or a new policy affecting population served and being phased in may request that the Department of Education establish data to maintain the continuity of accountability data if the request does not require the tracking of individual student data. This request shall require the approval of each affected school council, or the principal, if a school does not have a council, and the local board of education upon the recommendation of the superintendent.

Section 7. Accountability Procedures. (1) To establish expected levels of growth for each school, a straight line shall be drawn from a school's baseline minus one (1) standard error of measurement established in the 1998-1999 and 1999-2000 biennium to the state goal of a growth accountability index of 100 minus one (1) standard error of measurement by 2014.

(2) There shall be five (5) points of school recognition. These shall be determined from the baseline data (school years 1998-1999 and 1999-2000) so that at least ten (10) percent of the schools fall below the first point of recognition and the fifth recognition point shall be set at 100 on the accountability index scale, with the remaining points being established at equal whole number intervals between the high and the low.

Section 8. School Classifications Recognizing Growth. (1) To determine if a school is classified as meets goal, progressing, or in need of assistance, the school's growth accountability index for a biennium shall be compared to the corresponding goal point and assistance point.

(2) A school shall be classified as meets goal if the school's growth accountability index meets or exceeds its goal point and meets the dropout and novice reduction requirements of this section.

(3) To receive rewards under the provisions of this administrative regulation, a school shall have a biennial dropout rate less than or equal to five and three-tenths (5.3) percent, or a dropout rate that is at least one-half (1/2) of one (1) percent lower than its dropout rate of the previous biennium. A school shall not receive rewards if its dropout rate exceeds six (6) percent. If a school is reconfigured for a biennium, the school shall receive the aggregate district dropout rate for the biennium.

(4) To receive rewards under this administrative regulation, a school shall reduce the percent of novices on a schedule so that by the target biennium, the school shall have five (5) percent or less of its students scoring in the novice range of performance. The percent of novices shall be calculated to be reflective of the weights in Section 3 of this administrative regulation. The schedule shall be calculated by subtracting five (5) from the baseline percent novice and dividing this value by seven (7). The maximum allowable percent novice for each biennium shall be calculated as follows:

(a) Year 2002 = baseline percent novice minus the required novice reduction factor;

(b) Year 2004 = baseline percent novice minus the required novice reduction factor multiplied by two (2);

(c) Year 2006 = baseline percent novice minus the required novice reduction factor multiplied by three (3);

(d) Year 2008 = baseline percent novice minus the required novice reduction factor multiplied by four (4);

(e) Year 2010 = baseline percent novice minus the required novice reduction factor multiplied by five (5);

(f) Year 2012 = baseline percent novice minus the required novice reduction factor multiplied by six (6); and

(g) Year 2014 = baseline percent novice minus the required novice reduction factor multiplied by seven (7).

(5) A school shall be classified as a progressing school if the school's growth accountability index falls below its goal point and meets or exceeds its assistance point. A progressing school shall obtain an accountability index greater than that which it obtained in the previous biennium to earn a reward and other recognition as a progressing school.

(6) A school shall be classified as in need of assistance school if the school's growth accountability index falls below its assistance point. A school classified as being in need of assistance shall be eligible to apply for Commonwealth school improvement funds and may be subject to a scholastic audit.

(7) In 2002, the highest scoring five (5) percent of all schools shall be designated as Commonwealth pace-setter schools if they have met or exceeded the fourth point of recognition and if they meet the dropout rate and novice reduction requirements of this section. This calculation shall be based on the total accountability index of the school regardless of whether one (1), multiple, or no grades at which the norm-referenced test is administered are included. If not otherwise receiving rewards in recognition for growth, a Commonwealth pace-setter school shall receive one (1) share of rewards. In addition, to be classified as a pace-setter school beginning with the biennium ending in 2004, a school shall not have declined in both of the two (2) previous biennia. The rewards that may be due a school for having passed a higher point of recognition shall be given in addition to this amount.

Section 9. Reward Amounts. (1) There shall be two (2) levels of rewards for growth. A school classified as meets goal in accordance with Section 8(2) of this administrative regulation shall earn three (3) shares of rewards. A school classified as progressing in accordance with Section 8(5) of this administrative regulation shall earn one-half (1/2) share of rewards.

(2) A special one (1) time reward amount shall be distributed to schools as they meet or exceed school recognition points. These schools shall receive one (1) share of rewards and other forms of recognition as determined by the Kentucky Board of Education for meeting or exceeding each school recognition point.

(3) If a school passes two (2) or more of the school recognition points, in one (1) biennium, the reward shall be cumulative. A school shall be awarded these amounts only one (1) time for meeting or passing each point. A school earning this reward and subsequently falling below a recognition point shall not earn the reward for passing the point again.

(4) A school shall earn a recognition point reward based on where its baseline falls and shall not receive rewards for meeting or exceeding school recognition points below its baseline index.

(5) The total amount of rewards to be distributed to schools and school districts earning rewards shall not exceed one and three-fourths (1 3/4) percent of the amount of funds paid to certified personnel within Kentucky's public schools during the last year of the accountability cycle. The total number of shares earned shall be divided into the amount determined pursuant to the subsection to determine the per share reward amount; however, a reward share shall not exceed \$2000. A reward share shall be distributed to a school that meets the requirements for rewards as specified in Section 8 of this administrative regulation. The number of shares earned shall be multiplied by the total number of certified staff, as provided in KRS 158.6455 and subsection (6) of this section, to determine the final reward amount, as follows:

- (a) Meets goal: number of certified full-time equivalent (FTE) staff times three (3) shares;
- (b) Progressing: number of certified full-time equivalent (FTE) staff times one-half (1/2) share;
- (c) Pass one (1) school recognition point: number of certified full-time equivalent (FTE) staff times one (1) share; and
- (d) Pace setter: number of certified full-time equivalent (FTE) staff times one (1) share.

(6) Beginning with rewards issued at the close of the 1999-2000 school year, a school shall earn rewards for use in the school based on the number of certified staff assigned to the school at the close of the biennium. A reward amount shall be determined based on the number of verified certified staff assigned to the school or combinations of schools earning the reward. A reward amount for part-time and itinerant staff shall be calculated based on the proportion of time spent in the school. (25 Ky.R. 2728; Am. 26 Ky.R. 77; 380; eff. 8-2-99.)

703 KAR 5:040. Statewide Assessment and Accountability Program; relating accountability index to school classification (A1-A6).

RELATES TO: KRS 158.6451, 158.6453, 158.6455

STATUTORY AUTHORITY: KRS 158.6455

NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.6455 requires the Kentucky Board of Education to create and implement a statewide assessment program to ensure school accountability for student achievement of the goals set forth in KRS 158.645 and 158.6451. The purpose of this administrative regulation is to clarify the characteristics of A1-A6 schools and to require schools displaying these characteristics to report the appropriate classification for school accountability purposes.

Section 1. Definitions. (1) An "A1" school means a school under administrative control of a principal or head teacher and eligible to establish a school-based decision making council. An A1 school is not a program operated by or as a part of another school.

(2) An "A2" school means a district-operated, totally vocational-technical school, where the membership is counted in other schools.

(3) An "A3" school means a district-operated, totally special education school.

(4) An "A4" school means a district-operated, totally preschool program (e.g., Headstart, Kentucky Education Reform Act (KERA) Preschool, or Parent And Child Education (PACE)).

(5) An "A5" school means an alternative school which is a district-operated and district-controlled facility with no definable attendance boundaries that is designed to provide services to at-risk populations with unique needs. Its population composition and characteristics change frequently and are controlled by the local school district student assignment practices and policies (i.e., the local district personnel have input with regard to the identification of students receiving services provided by the A5 school as opposed to unconditionally accepting court ordered placements). Students enrolled in A5 schools typically include:

- (a) Actual dropouts returning to an alternate educational environment;
- (b) Potential or probable dropouts;
- (c) Drug abusers;
- (d) Physically abused students;
- (e) Discipline problem students;
- (f) Nontraditional students (e.g., students who have to work during the school day); or
- (g) Students needing treatment (e.g., emotional/psychological).

(6) An "A6" school means a district-operated instructional program in a nondistrict-operated institution or school.

(7) "A2-A6" means a school which is classified as A2, A3, A4, A5, or A6.

Section 2. Accountability indices and related statistics shall be calculated only for those schools classified as A1 schools.

Section 3. If a local board issues a high school diploma or a certificate under 704 KAR 3:305 to students in an A2 to A6 school, the school shall monitor graduates to determine the status of the students for purposes of reporting transition to adult life data, and shall indicate the A1 sending school to which the graduate data should be attributed for accountability purposes.

Section 4. Nonacademic data collection procedures, including collection and verification procedures, shall apply to all schools classified as A1 through A6.

Section 5. (1) For purposes of rewards and assistance resulting from the implementation of the accountability system, staff of the A2-A6 schools shall be attached to the central office and viewed as providing a service to the total district.

(2) If the Kentucky Board of Education implements a district accountability program, and if the district receives rewards under the accountability program, A2-A6 schools located within the district shall also receive rewards. If a district accountability program is not implemented, A2-A6 schools shall receive rewards if the district where they are located would have been rewarded had a district accountability program been in place.

(3) If the Kentucky Board of Education implements a district accountability program, and if assistance is required for the central office, this assistance shall also apply to the A2-A6 schools operated by the district. If a district accountability program is not implemented, assistance shall be given to the A2-A6 schools if assistance would have been given to the district had a district accountability program been in place.

Section 6. (1) For purposes of rewards, an A2-A6 school serving multiple public school districts shall be eligible for rewards if more than ten (10) percent of its total aggregate membership is generated from a school which has qualified (or would have if a district accountability program had been in place) for rewards. The amount of the reward shall be proportionate to this percent. The A2-A6 school shall not formally participate in the decision on the disposition of the reward unless the school generates more than fifty (50) percent of its aggregate membership from the district qualifying for rewards, in which case the school principal or head teacher shall contribute to the decision-making process.

(2) An A2-A6 school shall be subject to assistance resulting from the performance of a district's students if more than fifty (50) percent of the aggregate membership of the school is generated from the district being required to receive assistance.

Section 7. If there is no statutory or regulatory district accountability program to implement Sections 5 and 6 of this administrative regulation, the Kentucky Department of Education shall calculate a district performance judgment on the aggregate district data for the purpose of applying the performance judgment to any A2-A6 school that is operated by the district. (25 Ky.R. 2241; Am. 2602; eff. 6-7-99.)

703 KAR 5:050. Statewide Assessment and Accountability Program; school building appeal of performance judgments.

RELATES TO: KRS 158.645, 158.6451, 158.6453, 158.6455

STATUTORY AUTHORITY: KRS 158.6455

NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.6455 requires the Kentucky Board of Education to promulgate administrative regulations to establish a process whereby a school shall be allowed to appeal a performance judgment considered to be grossly unfair. This administrative regulation establishes the procedures for an appeal of a performance judgment consistent with KRS 158.6455.

Section 1. Definitions. (1) "Baseline accountability index" means the accountability index score that describes the school's performance during the 1998-99 and 1999-2000 school years, and is that number against which progress shall be measured.

(2) "Growth accountability index" means the accountability index that describes a school's performance every two (2) years, and is that number compared to the school's predicted or baseline index as an indicator of change in school performance.

(3) "Performance judgment" means the classification of a school in a particular performance category for the purpose of holding the school accountable for the percentage of successful students.

Section 2. (1) A written appeal of a performance judgment shall be submitted to the Commissioner of Education within forty-five (45) days after the Department of Education officially releases the performance judgments to the public.

(2) A written request for a data review shall be submitted to the Commissioner of Education within fourteen (14) days after the Department of Education officially releases the performance judgments to the public. If, as a result of a data review, the performance judgment is subsequently revised, or if a school is not satisfied with the results of a data review, a written appeal of a performance judgment shall be submitted to the Commissioner of Education within thirty (30) days after the school has received the official notification of the revised performance judgment or data review results.

(3) The request shall be signed by the principal upon approval of the school council. If there is no school council, the request shall also be signed by the superintendent, upon approval of the school board.

(4) The appeal of a performance judgment shall clearly identify the basis for the wrongful effect on the baseline accountability index or the growth accountability index.

(5) The appeal shall detail the requested adjustment to be made to one (1) or more of these indices.

(6) The Kentucky Department of Education staff shall review the request against the standards set forth in KRS 158.6455. A committee shall be appointed by the Commissioner of Education to review the pending appeals and make recommendations to the Commissioner of Education as to whether to dispute an appeal. The committee may include a teacher, a parent, a principal, a district assessment coordinator, a superintendent, and a counselor. If the appeal is disputed by the department, it shall submit the request to the hearing officer for the Kentucky Board of Education.

(7) The hearing officer shall conduct a hearing in accordance with KRS Chapter 13B. The hearing officer shall submit a written recommended order to the Kentucky Board of Education for the board's consideration in rendering its final order, in accordance with KRS Chapter 13B. (25 Ky.R. 2242; eff. 5-3-99.)

703 KAR 5:070. Procedures for the inclusion of special populations in the state-required assessment and accountability programs.

RELATES TO: KRS 158.6451, 158.6453, 158.6455

STATUTORY AUTHORITY: KRS 156.070, 158.6455

NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.6455 provides the Kentucky Board of Education with the authority to promulgate administrative regulations to establish a system of determining successful schools and a system of rewards and assistance for certified staff in schools and districts. This administrative regulation establishes procedures for the inclusion of special student populations in the state-required assessment and accountability programs.

Section 1. Incorporation by Reference. (1) "Procedures for Inclusion of Special Populations in the State-Required Assessment and Accountability Programs," June 2002, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Education, Office of Assessment and Accountability, 18th Floor, Capitol Plaza Tower, 500 Mero Street, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m. (25 Ky.R. 2731; Am. 26 Ky.R. 1001; eff. 10-11-99; 29 Ky.R. 806; eff. 11-12-2002.)

**INCLUSION OF SPECIAL POPULATIONS
IN THE STATE-REQUIRED
ASSESSMENT AND ACCOUNTABILITY
PROGRAMS
703 KAR 5:070**

June 2002

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INTRODUCTION, BACKGROUND, AND PURPOSE

According to KRS 158.6455, it is the intent of the General Assembly that schools succeed with all students. The state-required Assessment and Accountability Programs is inclusive of all students at specific grade levels. The Disabilities and Diversity Advisory Committee, which includes teachers, school administrators, university representatives, advocacy representatives, and members of the Department of Education, was established at the beginning of the test development process to consider issues related to the inclusion of special populations in the state-required Assessment and Accountability Programs. The conclusions and advice of the Committee were incorporated in this document.

The purpose of this document is to provide direction for the inclusion of special populations in the state-required Assessment and Accountability Programs. These populations include:

- students with disabilities
- students who attend schools classified as A2 through A6 schools as defined in 703 KAR 5:040 and state agency children as provided in 905 KAR 7:250
- students whose primary language is not English
- students receiving instruction in home/hospital settings as specified in 704 KAR 7:120 (i.e., homebound instruction, not home schools)
- students who have temporary medical conditions that necessitate accommodations or modifications or both for participation

Section 6 provides conditions for implementing accommodations or modifications or both for students participating in the state-required Assessment and Accountability Programs.

STUDENT INCLUSION

The provisions in this document are applicable to all students except those who are:

- twenty-one (21) years of age or older who are part time students attending less than six (6) hours per day. (see Section 1, B.2)
- enrolled in an Adult General Education Diploma (GED) Program and are not officially enrolled in a Kentucky public high school. These students are considered dropouts for accountability purposes, and therefore, are not subject to the inclusion policies described in this document. Students enrolled in a Secondary GED Program offered by a Kentucky public high school are not considered to be dropouts for accountability purposes, and therefore, are subject to the inclusion policies described in this document.

SUMMARY OF THE STANDARDS FOR INCLUSION OF SPECIAL POPULATIONS

- All students with disabilities shall participate in the state-required Assessment and Accountability Programs.
- A small percentage of students with disabilities shall participate in the Alternate Portfolio Assessment Program. These students are generally those who have moderate to severe cognitive disabilities and represent one (1) to two (2) percent of the total student population. (The Alternate Portfolio Assessment Program was implemented in the 1992-1993 school year.)
- State-required assessments shall include students with limited English proficiency if such students have been in the same school or the same district for one (1) full academic year prior to the year of the assessment in question, or an English-speaking school for two (2) full academic years prior to the year of the assessment in question. School personnel shall determine, based on an assessment of English language proficiency, the student's Program Services Plan, and the normal on-going delivery of instructional services whether students enrolled in the same school or district for less than one (1) full academic year prior to the year of the assessment in question, or an English-speaking school for less than two (2) full academic years prior to the year of the assessment in question shall participate in the state-required Assessment and Accountability Programs. The decision for any exemption shall be based on an assessment of English language proficiency, the student's Program Services Plan, and the normal on-going delivery of instructional services. If time has not permitted school personnel to administer an assessment of English language proficiency to a student with limited English proficiency who has been enrolled in the same school or district for less than one (1) full academic year prior to the year of the assessment in question, or an English-speaking school for less than two (2) full academic years prior to the year of the assessment in question, the school may exempt the student based on professional judgment. For those students with limited English proficiency not granted an exemption from the state-required Assessment and Accountability Programs, it may be necessary to permit instructionally consistent accommodations or modifications or both to the assessment administration. These accommodations shall be based on an assessment of English language proficiency, consistent with the normal on-going delivery of instructional services and stated in the student's Program Services Plan. (Further details are described in Section 3.)
- Students receiving instruction in home/hospital settings shall participate in the state-required Assessment and Accountability Programs unless a school or district has obtained a signed Physician's Certificate of Student Exemption from the state-required Assessment and Accountability Programs describing the medical condition that warrants exempting a student from all or portions of the assessments.

SECTION 1 - INCLUSION OF STUDENTS WITH DISABILITIES

Students with disabilities are students who meet the criteria under KRS157.200 and Kentucky Administrative Regulations (707 KAR Chapter 1) related to Exceptional Children or Section 504 of the Rehabilitation Act of 1973. These federal and state laws and regulations apply to all subsequent sections referencing students with disabilities.

A. Three Options for Inclusion

A student's Individual Education Program (IEP) or 504 Plan should be written for a calendar year with the Admissions and Release Committee (ARC) or 504 Committee considering adjustment periods for adding or deleting accommodations or modifications. For students with disabilities, the ARC or 504 Committee shall determine on an individual basis how the student will be included in the state-required Assessment and Accountability Programs. The decision of the Committee shall be stated in the student's IEP or 504 Plan. The three options for inclusion shall include:

1. Participation with no accommodations or modifications

Students with disabilities who participate fully in the state-required Assessment and Accountability Program with no accommodations or modifications shall include:

- students who have a Remedial Plan but have not been identified as having a disability under KRS 157.200 and the Kentucky Administrative Regulations Relating to Exceptional Children (707 KAR Chapter 1) or under Section 504 of the Rehabilitation Act;
- students who have been referred to an Admissions and Release Committee or a 504 Committee and the evaluation process and eligibility determination have not been completed; or
- students with disabilities not receiving special education and related services or accommodations and interventions under Section 504.

2. Participation with accommodations or modifications or both

Students who:

- a. meet the eligibility criteria for one of the disability categories under the Kentucky Administrative Regulations Related to Exceptional Children;
- b. have a current Individual Education Program (IEP); and

- c. are receiving specially designed instruction and related services may use accommodations for the state-required Assessment under the following three conditions:
- 1) Accommodations or modifications or both shall be a part of the student's regular instructional routine and are not used or introduced just for the purpose of the state-required Assessment;
 - 2) Accommodations or modifications shall be related to the individual student's needs and the impact of the disability on specific areas of learning. Decisions concerning the use of accommodations or modifications or both shall be supported by evaluation information and the IEP (the student's present level of performance, specific goals and objectives, specially designed instruction, related services or supplementary aids and services) as necessary for the student to access the general education curriculum; and
 - 3) Accommodations or modifications or both are specified in the student's IEP.

Students who meet the eligibility criteria in Section 504 of the Rehabilitation Act of 1973 for having a physical or mental disability which substantially limits one or more major life activities (i.e., learning) and have a current 504 Plan may use accommodations for the state-required Assessment under the following three conditions:

- accommodations or modifications or both are part of the student's regular instructional routine and are not used or introduced just for the purpose of the state-required Assessment;
- accommodations or modifications or both are related to the individual student's needs and the impact of the disability on specific areas of learning. The decision to allow these accommodations or modifications or both shall be supported by evaluation information and instructional planning for the targeted areas of need as necessary for the student to access the general education curriculum; and
- accommodations or modifications or both are specified in the student's 504 Plan as part of interventions and modifications.

Physical or mental impairments are defined in Section 504 of the Rehabilitation Act of 1973 implementing regulations (104.3(h)) as:

- (a) "any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or

(b) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.”

Examples of conditions that meet this definition are orthopedic, visual, speech, and hearing impairments; cerebral palsy; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; mental retardation; emotional illness; specific learning disabilities; and kidney and liver disease.

Staff in each school district shall refer to the local district’s policies and procedures for implementing the requirements under Section 504 related to evaluation, determination of eligibility, and provision of services.

3. Participation in the Alternate Portfolio Assessment Program

To participate in the Alternate Portfolio Assessment Program, a student shall meet all the criteria for the certificate program as stated in 707 KAR Chapter 1 related to Exceptional Children and the Program of Studies (704 KAR 3:303).

The Admissions and Release Committee for the student with disabilities shall:

- A. determine and verify in the student's Individual Education Program (IEP) that the student meets all of the criteria for the certificate program in order to participate in the Alternate Portfolio Assessment Program;
- B. document in writing in the student's record the basis for the decision using current and longitudinal data such as the following:
 - performance data across multiple settings;
 - behavior observations in multiple settings;
 - adaptive behavior; and continuous assessment of progress on IEP goals/objectives; and
- C. review annually this decision in accordance with 707 KAR Chapter 1

The results of each student’s Alternate Portfolio Assessment shall count in the accountability calculations and be equivalent to the impact of a student participating in the regular state-required Assessment and Accountability Programs process.

B. Determining Age for Completion of Alternate Portfolio

Students who participate in the Alternate Portfolio Assessment Program shall submit a completed Alternate Portfolio once each at the elementary, middle, and high school levels. These Alternate Portfolio scores shall be included in the Accountability data.

The elementary portfolio shall be completed at the fourth grade, but no later than the school year in which the student is eleven (11) years old on October 1st.

The middle school portfolio shall be completed at the eighth grade, but no later than the school year in which the student is fifteen (15) years old on October 1st.

The high school portfolio shall be completed during the student's last anticipated full year of school.

C. Students with Disabilities in Non-Graded Programs Who Do Not Participate in the Alternate Portfolio Assessment Program

Students with disabilities in non-graded programs who do not participate in the Alternate Portfolio Assessment Program shall be required to participate in the state-required Assessment and Accountability Programs at their present appropriate grade assignment with instructionally appropriate accommodations or modifications or both as determined by the student's ARC or 504 Committee. These accommodations or modifications shall be documented in each student's IEP or 504 Plan since the same kinds of instructional accommodations and modifications as specified in the student's IEP or 504 Plan are permitted on each of the accountability assessment components and norm-referenced assessments.

D. Inclusion of Twenty-one (21) Year Old Students with Disabilities in the Assessment Program

If a student with disabilities turns twenty-one (21) years old during a school year, the student may "age out" of school without completing the school year and participating in the state-required Assessment and Accountability Programs (e.g., a student exits school after becoming 21 years old in January). If this is a possibility, the student shall be included in the assessment during the school year prior to turning 21 years old.

E. Inclusion of Students with Disabilities Who Skip a Grade

If a student is assigned to a higher grade that results in skipping a grade within the accountability system, the student shall still participate in the assessment components associated with the grade being passed through (i.e., students participate in all elementary, middle, and high school assessment components).

F. Inclusion of Students with Disabilities in the Measure of the Percentages of Students Making Successful Transitions to Adult Life

With the exception of students who participate in the Alternate Portfolio Assessment Program, schools that serve students with disabilities shall be held accountable for these students' successful transition to adult life using the same standards applied to calculate this non-academic indicator for all other students.

Students who participate in the Alternate Portfolio Assessment may be considered to have made successful transitions to adult life if they:

1. make a successful transition to adult life as defined for the regular population of students;
2. enroll as a full- or part-time student (no less than ten (10) hours per week), at a post secondary vocational school or adult education program preparing students for integrated work;
3. work in an integrated setting (for at least ten (10) hours per week) where the majority of workers are not disabled; or
4. participate in supported employment.

Students transitioning to community rehabilitation programs shall be considered successful if the post-secondary training or employment takes place in an integrated environment.

SECTION 2 - INCLUSION OF STUDENTS IN SCHOOLS CLASSIFIED AS A2 THROUGH A6 AND STATE AGENCY CHILDREN

A2 through A6 Schools

Students attending schools classified as "A2 through A6" as provided in 703 KAR 5:040 shall be included in the overall accountability program. These students' scores shall be tracked back to the A1 schools that would have served them on the specified date for establishing accountability rosters had they not required services offered by the A2-A6 schools they attend.

The Kentucky School for the Deaf and the Kentucky School for the Blind are comparable to an A3 school classification and shall be treated as such. A local school and district shall be accountable for a student in their service areas attending these schools and shall be responsible for providing input into each student's IEP designed to meet the needs of the individual student in accordance with Kentucky Administrative Regulations for Exceptional Children (707 KAR Chapter 1).

If an “A1” school operates programs for special populations from outside the school’s normal service area, then the A1 school serving the students may request that assessment results of these students be attributed to the “sending A1” school. The decision whether to request that assessment results be attributed to the “sending” school shall be consistent over a given Accountability Cycle. This transfer of data may be applied to programs such as vocational-technical, special education, alternative, and gifted and talented programs.

State Agency Children

“State agency children” shall have the same assessments administered as other public school youth in A5 and A6 schools as specified in 703 KAR 5:040. The results of the assessments shall be included in the accountability index of the last A1 school the youth attended prior to admittance to a state agency program or the A1 school the youth would have attended if the youth had remained in that local school district.

“State agency children” shall develop portfolios consistent with the content requirements of the state’s assessment program. A state agency child’s portfolio shall be sent to the receiving school as part of the educational records when youth transition from the state agency program.

SECTION 3 - INCLUSION OF STUDENTS WHOSE PRIMARY LANGUAGE IS NOT ENGLISH

Part One: State-Required Assessment and Accountability Programs

Each school shall assess and be held accountable for all students with limited English proficiency who are enrolled in the school on the first day of the testing window and have been in the same school or district for one (1) full academic year prior to the year of the assessment in question, or in an English-speaking school for two (2) full academic years prior to the year of the assessment in question.

School personnel shall determine, based on an assessment of English language proficiency, the student’s Program Services Plan, and the normal on-going delivery of instructional services whether students enrolled in the same school or district for less than one (1) full academic year prior to the year of the assessment in question, or an English-speaking school for less than two (2) full academic years prior to the year of the assessment in question shall participate in the state-required Assessment and Accountability Programs. If time has not permitted school personnel to administer an assessment of English language proficiency to a student with limited English proficiency who has been enrolled in the same school or district for less than one (1) full academic year prior to the year of the assessment in question, or an English-speaking school for less than two (2) full academic years prior to the year of the assessment in question, the school may exempt the student based on professional judgment.

Part Two: English Language Proficiency Assessment

The “*No Child Left Behind Act of 2001*”, Title IX, Section 9101 defines a student with Limited English Proficiency (LEP) as an individual who is an English language learner who has sufficient difficulty speaking, reading, writing, or understanding the English language and whose difficulties may deny the individual opportunity to meet the State’s proficient level of achievement on state assessments and to successfully achieve in classrooms where the language of instruction is English or to participate fully in our society.

These students include individuals who:

- are age three (3) through twenty-one (21);
- are enrolled or preparing to enroll in an elementary school or secondary school;
- were not born in the United States or, whose native language is a language other than English;
- come from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency;
- are Native American, Alaska Natives, or native residents of the outlying areas who come from environments where a language other than English has had a significant impact on their level of English language proficiency; or
- are migratory, whose native language is a language other than English, and come from an environment where a language other than English is dominant.

A. Assessment of English Language Proficiency, Determining Participation in the State-Required Assessment and Accountability Programs and Determining if Accommodations or Modifications or Both are Needed

Beginning not later than school year 2002-2003, a local school district shall provide for an annual assessment of English proficiency (measuring students’ oral language in listening and speaking, reading, and writing skills in English) of all students with limited English proficiency in the school district. Schools shall use an English language proficiency assessment that is approved by the Department of Education.

For all students with limited English proficiency, except those granted an exemption from the state-required Assessment and Accountability Programs, school personnel shall determine on an individual basis whether these students will participate in the

state-required Assessment and Accountability Programs with or without accommodations or modifications or both. A student with limited English proficiency may use accommodations or modifications or both in the state-required assessments if the student:

1. has been assessed with an English language proficiency assessment and meets the criteria as a student with limited English proficiency;
2. has evaluation data that demonstrates a need for accommodations, modifications, or both;
3. has a current Program Services Plan developed by school personnel that includes accommodations or modifications or both as part of the student's ongoing delivery of instruction; and
4. is participating in instructional programs and services to meet the language and academic content needs of the student.

These accommodations or modifications or both shall be related to the individual student's needs and the impact of the student's English language proficiency on demonstrating what the student knows on a test written in English and the ability to access the curriculum. These decisions shall be made in the best interest of the student (e.g., scribing for a student throughout the school year just so that a scribe can be provided for assessment is not in the student's best interest).

B. Documentation Needed to Implement Accommodations or Modifications or Both

If accommodations or modifications are needed, documentation shall include:

- the name of the assessment administered to determine a student's English language proficiency and the appropriate accommodations or modifications or both that are needed;
- a Program Services Plan that includes the specific accommodations or modifications or both to be implemented in instruction and therefore, allowed on the state-required assessments;
- a list of the names of persons who reviewed the documentation and made the decisions. The list of staff shall be placed within the student's cumulative records; and
- the signature of the principal of the appropriate school as an indication of approval for the described accommodations.

Performance on the English language proficiency assessment shall also determine when accommodations are no longer required. The administration and response or processing strategies shall not inappropriately impact the content being measured.

C. Implementation of Accommodations or Modifications or Both

Accommodations or modifications or both, when consistent with the normal on-going delivery of instructional services, may include:

1. Administration Strategies:

- reading text to student in English;
- paraphrasing directions for tasks in English or in the student's primary language;
- oral word-for-word translation of text to the student's primary language;
- administering assessments to small groups of students whose primary language is not English to enable paraphrasing or word-for-word translations; and
- administering a single form of the test.

Every effort should be made to distribute test forms to all students in a random order. Under the condition that a school can demonstrate no feasible way to provide a multiple number of interpreters for students who are limited in English proficiency, school staff may allow students to use the same form of the test so that one interpreter per foreign language may be employed to provide this accommodation. A list of students who are administered the same form of the test for this purpose shall be submitted to the Division of Assessment Implementation along with the assigned lithocode for each student.

Use of the same form of the test shall not be permitted for students with disabilities who require scribes or readers, since there is such a large number of these students and one form of the test would be overused considerably within a school.

2. Processing and Response Strategies:

- use of foreign language dictionaries and glossaries that provide word-for-word translations;
- use of word processor or typewriter; and
- use of grammar or spell-check systems.

A student may not write responses to the state-required Assessment in a language other than English and have a teacher translate. However, the student may be allowed accommodations or modifications or both on the Assessment. The student's Program Services Plan shall include any accommodations or modifications or both which are part of the on-going instructional process and are based on the needs identified on a language proficiency test. Accommodations or modifications or both shall not be made solely for the state-required Assessment.

D. Submitting a Portfolio in a Language Other than English

The student with limited English proficiency who has been in the same school or district for less than one (1) full academic year prior to the year the portfolio is due, or in an English speaking school for fewer than two (2) full years preceding the year the portfolio is due may be exempted from the portfolio assessment, based on an English language proficiency assessment, the student's Program Services Plan, and the normal on-going delivery of instructional services. If time has not permitted school personnel to administer an assessment of English language proficiency to a student with limited English proficiency who has been enrolled in the same school or district for less than one (1) full academic year prior to the year the portfolio is due or an English-speaking school for less than two (2) full academic years prior to the year the portfolio is due, the school may exempt the student based on professional judgment.

A student with limited English proficiency may submit a portfolio in a language other than English if:

- the student's daily instruction and class work are conducted in the student's native language, and
- the local scorer or a scorer hired by the district is both fluent in that language and trained to score the portfolio.

If this portfolio is pulled for audit, the services of appropriate scorers shall be obtained or the portfolio shall be translated to English by a qualified interpreter.

SECTION 4 - INCLUSION OF STUDENTS RECEIVING INSTRUCTION IN HOME/HOSPITAL SETTINGS

A. Determining Participation

For students receiving instruction in home/hospital settings (i.e., homebound instruction, not home schools), school personnel shall determine on an individual basis how each student will participate in the state-required Assessment and Accountability Programs. The decision shall be documented for each student. The options for participation shall include:

1. The student participates fully; or
2. The student is exempted from the state-required test or the writing portfolio only upon verification by a physician of an illness or injury that prohibits the student from participating in one or more assessment components.

B. Participation of Students with Disabilities in Home/Hospital Settings

If a student with disabilities is receiving instruction temporarily or long-term in a home/hospital setting, the Admissions and Release Committee or 504 Committee shall follow the procedures described in Section 1 of this document and all federal

and state requirements related to due process. A student eligible for participation in the Alternate Portfolio Assessment Program who is receiving instruction in home/hospital settings shall participate in the Alternate Portfolio Assessment unless the student has an injury or illness verified by a physician in accordance with the procedures described in Section 4,A.2 and 704 KAR 7:120.

State Agency Children who receive educational services in a classroom setting located in residential facilities shall not be considered as meeting the criteria for being served in a home/hospital program.

SECTION 5 - INCLUSION OF STUDENTS WITH TEMPORARY MEDICAL CONDITIONS THAT NECESSITATE ACCOMMODATIONS OR MODIFICATIONS OR BOTH FOR PARTICIPATION

Students who become injured (e.g., broken hand) or develop an ailment (e.g., temporary paralysis due to an illness) before or during the testing window may be allowed appropriate accommodations or modifications or both to allow their participation in the state-required Assessment and Accountability Programs. A letter describing the situation and what accommodations or modifications or both are provided shall be sent to the Division of Assessment Implementation and a copy kept on file in the district.

SECTION 6 - CONDITIONS FOR IMPLEMENTING ACCOMMODATIONS OR MODIFICATIONS OR BOTH

A. General Conditions for Using Accommodations

Accommodations or modifications shall meet the following conditions:

- (1) Accommodations or modifications in the instructional process shall be both age-appropriate and related to both the student's verified disability and specially designed instruction described in the student's IEP or intervention strategies and modifications described in the student's 504 Plan. Accommodations or modifications shall be based on the individual needs of the student and not on a disability category (e.g., emotional-behavior disabilities, specific learning disabilities, multiple disabilities, other health impairment, etc.);
- (2) Accommodations or modifications shall be part of the student's ongoing instructional program and not introduced for the first time during state-required Assessment;
- (3) Accommodations or modifications shall be for the purpose of students accessing the general education curriculum and demonstrating what they know and are able to do;
- (4) Changes in the administration of the assessment or recording of student responses shall be consistent with the instructional strategies, assistive technology devices,

- and services identified on the student's Individual Education Program (IEP) or 504 Plan (not Remedial Plan); and
- (5) Accommodations or modifications or both shall not inappropriately impact the content being measured.

B. Conditions for Specific Accommodations

There are a variety of accommodations or modifications that may be appropriately used for students with disabilities on the state-required Assessment, including:

- readers;
- scribes;
- paraphrasing;
- use of technology and special equipment;
- extended time;
- reinforcement and behavioral modification strategies;
- manipulatives;
- prompting or cueing; or
- interpreters.

Any individual who scribes, reads, or provides any other assistance to a student with disabilities during the state-required Assessment shall be trained in his role and responsibilities and abide by confidentiality laws, the Code of Ethics, and the conditions under which each student uses the accommodation or modification as described in the student's IEP or 504 Plan. Any non-certified person providing assistance for a student with disabilities shall read and sign a NonDisclosure Agreement.

Students with disabilities participating in the state-required assessments shall be administered particular forms of the tests through a random distribution identical to that of students without disabilities. The only permissible exception to the random distribution shall involve a student with limited English proficiencies as described in Section 3(c) of this document.

Readers

If listening to a reader is the normal mode through which the student is presented regular print materials, reading assessments may be read to a student on the premise that the intent of reading is to measure comprehension. This shall be documented on the student's IEP or 504 Plan. Instruction related to reading performance shall not be replaced by accommodations or modifications or both.

In order for the use of a reader to be allowed during the state-required assessments, the ARC or 504 Committee shall have considered under what conditions a student will use a reader on a routine basis during instruction. The committee shall address the following:

- *Will the student use a reader for all print materials?*
- *Will the student use a reader only when reading content material written on his age appropriate grade level?*
- *Will the student use a reader when receiving direct instruction in the acquisition of reading skills and strategies?*
- *Will the student use a reader only when reading under time constraints?*

On-demand tasks (i.e., open-response items, multiple-choice questions, and writing prompts) may be read to students under the following conditions:

- the student has a verified disability which significantly impacts the area of reading;
- the student's IEP includes specific goals and objectives and specially designed instruction related to reading or describes supplementary aids and services (e.g., large-print or Brailled text, tape recorders, assistive or adaptive technology) necessary for the student to access, be involved in, and progress through the general education curriculum;
- The student's 504 Plan includes intervention strategies and modifications that address reading;
- evaluation information supports the need for intervention and accommodations in the area of reading; and
- the student's IEP or 504 Plan documents the use of a "reader" to gain information and meaning from print material as part of the student's regular instructional routine. A "reader" shall not be a replacement for reading instruction or assistive or adaptive technology.

A "reader" shall not inappropriately impact the content being measured.

A "reader's" responsibilities shall be consistent with accommodations described in the student's IEP or 504 Plan. The role of the "reader" described below shall be considered in the context of the student's IEP or 504 Plan and how the student reads routinely for instructional activities and classroom assessments.

The "reader" shall:

- read the directions, prompts, situations, passages, and stories as written unless the student meets the criteria outlined in this document for "paraphrasing." The "reader" shall follow the rules for "paraphrasing";

- not use information to lead the student to specific information needed for answering the open-response items or multiple-choice questions;
- reread the directions, prompts, situations, passages, and stories, only if specifically requested by the student; and
- not point out parts of the task, questions, or parts skipped by the student.

Scribes

The Admissions and Release Committee or 504 Committee shall consider under what conditions a student will use a scribe on a routine basis during instruction. The ARC or 504 Committee shall address the following:

- *Will the student use a scribe only for prewriting activities while the student brainstorms ideas?*
- *Will the student use a scribe only when instructional activities, including classroom assessments, involve a time constraint?*
- *Will the student use a scribe only when instructional activities and classroom assessments in content areas require written responses?*
- *Will the student use a scribe for all instructional activities and classroom assessments that require written responses?*

A “scribe” may be used for the state-required Assessment when:

- a student has a verified disability (e.g., specific learning disability, traumatic brain injury, physical disability, autism, mild mental disabilities, emotional-behavioral disabilities) which significantly impacts the student’s written expression or basic writing skills, or a physical disability which impedes the motor process of writing;
- the student’s IEP includes specific goals, objectives, and specially designed instruction related to writing or describes supplementary aids and services (e.g., Braille writers, communications boards, tape recorders, assistive technology, notetaker, scribe) necessary for the student to access the general education curriculum; or the student’s 504 Plan includes intervention strategies and modifications addressing written expression;
- the student uses a “scribe” as part of the student’s regular instructional routine to communicate information and knowledge;
- evaluation information supports the need for intervention and accommodations in the area of writing;
- the student’s IEP or 504 Plan documents the use of a “scribe” as part of the student’s regular instructional routine; and

- A scribe is not being used as a replacement for writing instruction or assistive or adaptive technology.

Two examples of students who may need scribes include:

- 1) A student is able to print, use cursive techniques, or use technology; however, the student's written expression deficit is so severe that the student cannot translate thoughts into written language even though the student can express thoughts orally. This is a very rare situation in which such students cannot recognize written words or make sound-symbol associations.
- 2) A student can write, but writes very slowly and the time constraint of instructional on-demand tasks will inhibit the student's ability to produce the required product. In such case, the evaluation data shall document the writing fluency deficit (e.g., rate of writing).

A "scribe" shall not be used for the state-required Assessment if one of the following conditions is present:

- a student does not have a verified disability (e.g., specific learning disability, traumatic brain injury, physical disability, autism, mild mental disabilities) which significantly impacts written expression or a physical disability which impedes the motor process of writing;
- a student has the ability to translate thoughts into written language and is motorically able to print, use cursive techniques, or use technology (e.g., word processor; typewriter, augmentative communication device);
- the student is able to produce the product, but the product would be better if it were scribed (i.e., to enhance written products); or
- the student has a motoric physical disability or severe disability in the area of written expression, but is able to use appropriate technology or assistive or adaptive technology to respond to the task independent of a "scribe".

Technology and natural supports shall be used prior to the more intrusive process of using a "scribe" and these strategies should be provided in the normal course of instruction.

A "scribe" shall not inappropriately impact the content being measured. A "scribe's" role shall be to record the student's work to allow the student to reflect what the student knows and is able to do while providing the student with an alternative means to express his thoughts and knowledge. At no time shall a student's ideas, revisions, or editing be characterized as teacher-, peer-, or parent-authored. In all components of the state required Assessment, a student shall be the sole creator, author, and owner of his work. A "scribe" shall record student responses consistent

with accommodations described in the student's IEP or 504 Plan for instructional activities and classroom assessments.

Even if a "scribe" is being appropriately used, instruction shall be routinely provided in the content appropriate for the student's age level peers.

Specific Test Components - Role of Scribe:

Multiple-choice Questions

If a "scribe" is used to assist students with completing multiple-choice items, the "scribe" shall merely record the answer selected by the student. Generally, only students who have physical limitations who are unable to respond to classroom test items by marking answer documents shall use a "scribe."

Portfolios

When a "scribe" is needed for portfolio development, the "scribe" records what the student dictates word-for-word. The "scribe" shall format, capitalize, and punctuate the student's writing as directed by the student or with whatever punctuation seems to best reflect the student's verbal flow of ideas. For example, rising inflection at the end of a spoken phrase shall be indicated by a question mark. Similarly, a pause following the statement of a complete idea shall be indicated by a period. The "scribe" shall do his best to punctuate the student's phrases as they are spoken, without undue deliberation and without subsequent correction. The work of a "scribe" shall accurately reflect the text being dictated by the student. The scribe may also ask the student to spell specific words, indicate words to capitalize, and where to use punctuation. The "scribe" shall not correct grammar, run-on sentences, or organization of the student's ideas.

During conferencing the teacher may ask the student to read his work aloud or the teacher may read the student's work aloud to determine what changes the student thinks are necessary. The "scribe" shall give the written product to the student to revise and edit. The teacher may ask the student questions. However, the student, as the writer shall decide what to add and delete, how to elaborate and extend ideas, connect his thoughts and clarify purpose, audience, meaning, content, and organization. A student may revise and edit his pieces using technology or manual writing (cursive or printing), or may dictate revisions and edits to the "scribe."

Since portfolio entries are developed over time as an integral part of instruction, students receiving specially designed instruction and related services as described in an IEP or interventions and accommodations described in a 504 Plan shall be writing as part of their normal course of instruction. This shall include writing across content areas (e.g., mathematics, science, social studies, arts and humanities, language arts, practical living/vocational studies).

Open-Response Items

When a “scribe” is needed for assisting students with open-response items, the scribe shall write what the student dictates. Since the purpose of the open-response items is to assess the application of knowledge in the content areas, the “scribe” may record the student’s responses using correct spelling, punctuation, and capitalization. The “scribe” shall not correct grammar, run-on sentences, or organization of the student’s ideas.

On-Demand Writing

When a student needs a “scribe” to address on-demand writing, the “scribe” shall write what the student dictates. The “scribe” shall follow the directions for use of a “scribe” for portfolios. The “scribe” shall not provide instruction or conference with the student during the on-demand writing prompt. The “scribe” shall not correct grammar, run-on sentences, or organization of the student’s ideas.

Local districts and schools shall decide who may be a “scribe” or a “reader” for state-required Assessment. Although peer tutors are used frequently during instruction, they shall not be used for open-response items, on-demand writing prompts, and multiple-choice items due to the requirements of the Ethics Code (703 KAR Chapter 5) and confidentiality (KRS 160.700 et seq.).

Paraphrasing

Teaching a student to use paraphrasing strategies, which are used to restate printed text or oral communication using other words or forms putting printed text and oral communication into his own words, shall be appropriate instruction for a student who has a difficult time understanding and remembering reading material, oral and written questions, and oral communication such as conversations and oral directions. The instructional goal shall be to provide the student with a repertoire of strategies to use independently. The ARC or 504 Committee shall consider under what conditions a student will use paraphrasing strategies on a routine basis during instruction.

On-demand tasks (i.e., open-response items, multiple-choice questions, and writing prompts) may be paraphrased under the following conditions:

- the student’s disability impacts his understanding and memory of written materials, or if a student has a severe receptive language or listening comprehension deficit which impacts the student’s ability to process oral language;

- the student's IEP includes specific goals and objectives and specially designed instruction related to reading comprehension, language, listening comprehension or describes supplementary aids and services and accommodations necessary for the student to access the general education curriculum (i.e., participation in the regular education program), or the student's 504 Plan includes intervention strategies and modifications addressing these areas.
- the student's IEP or 504 Plan documents the use of paraphrasing as part of the student's regular instructional routine; and
- the student uses a "paraphraser" as part of the student's regular instructional routine to gain information and meaning from print material. A "paraphraser" shall not be a replacement for reading, listening, or oral communication instruction or assistive or adaptive technology.

Paraphrasing for the state-required Assessment and Accountability Programs shall be consistent with classroom instruction and includes:

- repeating or rephrasing the directions, prompt, or situation. This shall include breaking directions and sentences into parts or segments or using similar words or phrases, but shall not include defining words or concepts or telling a student what to do first, second, etc. Stories (reading passages) and content passages may not be paraphrased.

A "paraphraser" shall not inappropriately impact the content being measured.

Use Of Technology And Special Equipment

The ARC or 504 Committee shall consider under what conditions a student may use technology on a routine basis during instruction. During the state-required Assessment, a student with a disability may use special equipment, including assistive or adaptive technology described in the student's IEP or 504 Plan, which is part of the student's regular instructional routine, such as:

- Amplification equipment;
- Noise buffers;
- Magnifying devices;
- Non-calibrated rule or template;
- Communication boards or devices;
- Word processors;
- Talking calculators;
- Speech Synthesizer;
- Speech Recognition Software;
- Close-captioned or video materials;
- Audiotaped directions;

- Cranmer Abacus;
- Text-talk converters;
- Auditory trainer;
- Electronic dictionaries; and
- Braille writers.

If the use of special equipment (e.g., talking calculators, electronic dictionaries) during the state-required Assessment would influence the performance of another student, then the assessment shall be administered to the student in an alternative setting.

If it is necessary for a student with special needs to complete written work (including responses to test items) on a computer and this accommodation is noted on a student's IEP or 504 Plan, and if this procedure is routinely used in the student's regular instructional program, it may be used when responding to open-response questions while participating in the state-required Assessment. This use of technology shall be subject to the following:

1. A template must be prepared, in advance of the beginning of the on-demand assessment, in the appropriate word-processing program for the student's use. This template shall include, as a header at the top of each page, the words "APPENDIX A: STUDENT RESPONSE PAGE" and the date of the assessment administration. Following those words, the header for each page shall include space for the:
 - student name;
 - name of the school district;
 - lithocode number from the student's Student Response Booklet;
 - name of school;
 - name of the content area test being taken; and
 - question letter or number.
2. A student's response to one or more open-response questions shall not be saved to the hard drive of the computer where the student is working.
3. A student's response to one or more open-response questions shall not be saved to any part of a computer network to which the student's computer may be attached.
4. The student's responses to all open-response questions shall be saved directly and only to a diskette (3.5 inch or 5.25 inch as appropriate for the computer being used).
5. After the student completes work on a testing session, the following steps shall be taken immediately (i.e., with absolutely no break in time after the student completes work):

- a) The responses completed by the student during that testing session shall be printed.
 - b) The printed responses shall be placed into the student's Student Response Booklet.
 - c) The diskette upon which the student's responses to the open-response questions from that testing session were saved shall be securely stored until the next testing session for that student.
 - d) The student's Student Response Booklet shall be securely stored until the next testing session for that student.
 - e) The computer upon which the student was working shall be logged off of any network to which it was attached and completely powered down to ensure that all trace of the student's work which may have been saved in a temporary file has been eliminated.
6. When the Student Response Booklet is submitted to the testing contractor for scoring, the diskette (blank and reformatted) shall be submitted as well. The diskette shall be physically destroyed by the testing contractor.

Extended Time

Students with disabilities who have IEPs or 504 Plans that stipulate extra time is needed to complete assessments shall be allowed extended time to complete items on state-required tests as long as extended time is an accommodation for assessments and completion of assignments as part of their daily instructional routine. To warrant additional time on the state-required Assessments, students shall be making constructive progress on completing their responses and the school shall provide proper supervision to maintain an appropriate assessment atmosphere.

Reinforcement And Behavior Modification Strategies

Students with disabilities who have IEPs or 504 Plans that stipulate the use of reinforcement or behavior modification strategies (e.g., points for being on task or testing in a separate location outside the regular classroom), and the use of such strategies are implemented during routine instruction, may use these strategies on the state-required Assessment.

If behavior modification strategies are not stipulated in a student's IEP or 504 Plan, they still may be implemented for a student who displays aggressive or disruptive behavior during testing. They shall be administered in the best interest of the student and other students who may be impacted by the behavior. If school staff decide to administer the assessments to the student in a separate location, all standards for appropriate test administration and security shall be maintained. If a student is not making progress in completing the assessment items and the student's behavior impacts the performance of other students, then school staff may

remove the student from the assessment situation as they would a student without disabilities. If the test the student is being administered is part of the accountability program, the school shall receive a novice score for the student for the unfinished content area of the assessment and the student's score is included in calculating the school's accountability index.

Manipulatives

Manipulatives may be used to complete the state-required tests and the development of portfolios if they are a strategy used by the student to solve problems routinely during instruction and the use of manipulatives is described in the student's IEP or 504 Plan or manipulatives are provided as part of the prompts for the state-required Assessments. However, the student shall not be encouraged to use manipulatives if the student has not initiated their use.

Prompting or Cueing

The ARC or 504 Committee shall consider under what conditions a student will use prompting and cueing on a routine basis during instruction. If a student uses a cue card or other strategy on a daily basis during instruction as stipulated by the student's IEP or 504 Plan, (e.g., edit or revision checklist, mnemonic device, formulas), the student may use the cue card or strategy during the state-required Assessment. The teacher shall not point out the steps. The use of these strategies and guides for assessment shall be student initiated and not teacher initiated. Teachers shall not provide the student with content information needed to address test questions.

On rare occasions, due to the nature of a disability, an individual student may need a verbal or non-verbal cue begin a task or to refocus on the task. Over time, these cues shall be phased out as the student learns self-cueing strategies since the goal is for the student to become more self-reliant and independent. If these strategies are described in the student's IEP or 504 Plan and are used in daily instruction, then the student may use them for the state-required Assessment. Student evaluation information and the student's present level of performance shall support the need for these strategies.

The teacher shall not draw figures, suggest leading sentences, or provide content during the administration of the state required standardized assessment.

During "conferencing", the teacher may guide instruction as part of guided practice using strategies such as prompting, cueing, explaining, and restating questions. Teachers may show students with disabilities using technology how to move margins, paragraphs, etc., when creating portfolio entries as part of the instruction to

learn word processing skills. However, only the student shall indicate where to move paragraphs, sentences, words and margins.

Interpreters

The state-required tests may be signed (i.e., translated to the student in sign language) for students with disabilities under the following conditions:

- the student has a verified disability in the area of hearing to the degree that the student's development of language (i.e., receptive and expressive) is significantly impacted or the student uses sign language as the normal mode of communication due to his disability;
- the student's IEP includes specific goals and objectives and specially designed instruction related to reading, communication and language development or describes supplementary aids and services (e.g., American Sign Language, communications boards, tape recorders, assistive or adaptive technology) necessary for the student to access the general education curriculum; or the student's 504 Plans includes intervention strategies and modifications that address written expression;
- evaluation information supports the need for the interventions and accommodations;
- the student's IEP or 504 Plan documents that printed materials and oral communication used in daily instruction are typically "signed" to the student as part of specially designed instruction or supplementary aids and services necessary for the student to access and be involved and progress in the general education curriculum (i.e., participation in the regular education program); and
- "signing" is used as part of the student's regular instructional routine to gain information and meaning from print material and oral communication.

"Signing" shall not be a replacement for technology or reading instruction.

The interpreter shall not indicate correct answers to test items. For example, interpreters shall not define words for students, provide content, or teach vocabulary or concepts during the on-demand writing, open-response, or multiple-choice assessments.

Interpreters who are also scribes shall follow the policies on scribing outlined in this document. For example, American Sign Language does not have signs for articles; therefore the interpreter shall not insert articles in the student's writing pieces.

703 KAR 5:080. Administration Code for Kentucky's Educational Assessment Program.

RELATES TO: KRS 158.6453, 158.6455

STATUTORY AUTHORITY: KRS 156.070, 158.6453, 158.6455

NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.6455 requires the Kentucky Board of Education to promulgate administrative regulations to establish a system for identifying and rewarding successful schools and to establish appropriate consequences for schools failing to meet or exceed their assistance line. This administrative regulation establishes an Administration Code for Kentucky's Educational Assessment Program for appropriate testing practices for state required tests.

Section 1. (1) The "Administration Code for Kentucky's Educational Assessment Program," dated June, 1999, is hereby adopted and incorporated by reference.

(2) This document may be inspected and copied at the Department of Education, Office of Assessment and Accountability, 18th Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky, Monday through Friday, 8 a.m. through 4:30 p.m. (26 Ky.R. 667; eff. 11-1-99.)

703 KAR 5:080

**Administration Code
for Kentucky's
Educational Assessment Program**

June 1999

703 KAR 5:080
Administration Code
for Kentucky's Educational Assessment Program

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Rationale

The Kentucky Education Reform Act (KERA) as amended continues to require an innovative student assessment program designed to measure school progress toward the goals specified in the Act. This document describes the practices considered appropriate in preparing students for the assessments, in administering them, and in providing for proper security of the assessment materials. Since the issues involved for each type of assessment are different, they are considered separately. The following standards were used in determining appropriate practices:

1. **Professional Ethics:** No test preparation practice shall violate the ethical standards of the education profession in 704 KAR 20:680.

Examples of practices that are in violation of this Administration Code include: (a) engaging students in activities that have no link to instruction or do not positively contribute to students' overall well-being (e.g., establishing punitive consequences related to testing which result in students being excluded from educational opportunities); (b) making content area specialists or other resources not provided for in the administration manuals available to address students' questions during testing; and (c) re-ordering the test sequence.

Rewards or motivational strategies related to state-required assessments shall be consistent with those applied within the regular curriculum or within the larger school program in general. Local school board funds, or cash awards from school activity funds generated by students, shall not be used for student incentives to: (a) attend school during the testing window, (b) participate in assessment activities, or (c) perform well on state-required assessments.

2. **Educational Defensibility:** No test preparation practice shall increase students' test scores on the statewide assessment components without simultaneously increasing students' ability to apply the content tested to real life or simulated real-life situations.

Activities that are created or implemented for the sole purpose of increasing test scores and do not contribute to the student's overall education are considered in violation of this regulation. Examples of such activities include: reproducing in any way any part of secure testing materials; reviewing secure test items with students; and displaying posters or charts containing information for the purpose of aiding students during test administration.

3. **Student Ownership:** All assessment work shall be done entirely by the student. No one shall coach, edit, or point out errors in student work on the open response or multiple choice portions of the test. Anyone offering input to students for the development of portfolios shall adhere to the guidelines outlined in the portfolio section of this document, the *Writing Portfolio Development Teacher's Handbook*, and the *Writing Portfolio Scoring Teacher's Handbook*.

II. Appropriate Assessment Practices

Training on this Administration Code and 703 KAR 5:070, Inclusion of Special Populations in the State-Required Assessment and Accountability Programs, shall be provided for every individual (e.g., teachers, instructional assistants, parents, peer tutors, scribes and readers) involved in any component of the assessment. Everyone involved in any component of assessment shall read, sign, and comply with this Administration Code. Any individual providing support for students with disabilities or limited English proficiency shall receive training regarding appropriate accommodations and confidentiality. The reading and signing of this document shall be done prior to portfolio development and test administration. In addition, this Administration Code and 703 KAR 5:070 shall be reviewed by everyone involved in assessment prior to test administration. The completed signature page of this document shall be filed within the district in a location agreed upon by the District Assessment Coordinator and building administrators.

Local district staff shall read and comply with those documents and administration manuals specific to the state-required assessment components with which they are involved. Each test administrator or proctor shall sign a verification form stating that he or she has received and read this Administration Code and the instruction manual. In the administration of statewide assessments, federal and state law shall take precedence over administrative manuals provided by the testing contractors (e.g., Individuals with Disabilities Education Act (IDEA) , Section 504 of the Rehabilitation Act of 1973).

Test Security

District assessment coordinators, administrators, and teachers shall ensure the security of the assessment materials before, during, and after test administration. When not being used for a scheduled testing session, all assessment materials shall be stored in a secure location with access granted to authorized personnel only.

Test Security

OK	Not OK
<ol style="list-style-type: none"> 1. It is appropriate for teachers to know the concepts measured by the statewide assessment and to teach those concepts. Concepts appropriate for curriculum instruction can be found in Kentucky's Core Content for Assessment. 	<ol style="list-style-type: none"> 1. Secure test materials shall not be reproduced in whole, in part or paraphrased in any way. Examples include: photocopying, photographing, handwriting, or typing. 2. No one shall take notes regarding the content, concepts, or structure of any secure test item.

Test Security continued

OK continued	Not OK continued
2. Tests shall be distributed in the order in which they are received in the shrink-wrapped packages.	3. No one may have test booklets without authorization from the district or building assessment coordinator.
3. Teachers may use test items from previous years released by the Kentucky Department of Education to help prepare their students for the assessment.	4. Local district staff may not show items in the test booklets to anyone not administering the test unless directed by the Superintendent (See Section IV of this document for details). Once authorization has been granted to local district staff to have access to the tests, staff shall not use knowledge about the content of any specific questions to prepare students for the assessment.
4. Test Administrators shall destroy any notes, rough drafts or scratch paper produced by students during testing immediately after each testing session or at the end of the testing day, ensuring that no test item is compromised.	5. Teachers or other staff with knowledge of the content of any secure test item shall not reveal this content to anyone.
5. Test Administrators and Building Assessment Coordinators shall ensure that any testing materials reused from previous years are free of any marks made by students who have used them in the past.	6. Teachers or other staff who become aware of specific test items through any means, shall not use this knowledge to prepare students for the assessment.

Students in special populations who require the use of computer technology, consistent with 703 KAR 5:070, may have access to the test through appropriate scanning procedures. When these technology applications are applied secure materials shall be scanned to and stored on floppy disks that shall be returned to the contractor on completion of the assessment administration. When space requirements are prohibitive the material may be scanned to larger disk drives if district staff can assure the security of the assessment. When secure material is located on a disk drive, district staff shall assure that, on completion of assessment administration, files containing secure materials are permanently and completely deleted from all computer equipment. This applies to both the scanning and entry of secure test materials and student responses. Electronic or other versions of secure assessment materials or related student responses shall not be maintained in the district.

Alert papers (i.e., evidence within a student response that the student may cause harm to himself/herself or to others or may otherwise be suffering abuses) may be copied. In this case local district staff may photocopy the pertinent section of the student response and turn those pages over to the appropriate local authorities to assure the safety of the child and the community. The local district shall direct all local authorities that the student response may contain information related to secure test items.

Procedures for Reporting Errors in Assessment Materials

If an error is found in secure test materials, the following procedure shall be followed:

1. The test item shall not be reproduced in any way. Examples include: photocopying, photographing, handwriting or typing the question in whole, in part or paraphrasing in any way;
2. Identify the location of the error (Grade level; Subject area; Form number or letter; Item number; and Page number;);
3. Summarization and/or documentation of the error shall be general and shall not unduly compromise the security of the assessment (e.g., Grade 4, Reading, Form 1A, Multiple Choice Item number 2, page 30, no correct answer choice provided). No one shall discuss the specifics of any test item with others;
4. Notify the local District Assessment Coordinator who shall then notify the Kentucky Department of Education, Office of Assessment and Accountability; and
5. Ensure that all documentation is forwarded to the Kentucky Department of Education, Office of Assessment and Accountability and that no copies of the documentation remain in the school or district.

Classroom Materials

Materials may be placed on classroom walls and bulletin boards for instructional purposes anytime during the year. Lesson plans shall contain documentation of the relationship between posted materials and instruction. Staff shall not place materials specifically designed for assessment purposes on classroom walls or bulletin boards for the purpose of providing assistance to students during state-required testing.

Classroom Materials

OK	Not OK
<ol style="list-style-type: none"> 1. Dictionaries and thesauri, including non-programmable, electronic dictionaries and thesauri may be used only on the writing on-demand subtest. 2. Students shall have access to calculators as designated in the administration manuals accompanying each statewide assessment. Students shall not share calculators within the testing session. 	<ol style="list-style-type: none"> 1. Test administrators or proctors shall not distribute or make available at students' workstations any information or materials that are not sent as part of the assessment materials or specified in the administration manuals. Examples include: copies of acronym sheets or sheets of paper containing a system for organizing answers; textbooks; mathematics manipulatives; computer tools; or other reference resources, unless the

Classroom Materials continued

OK continued	Not OK continued
<p>3. Blank writing or graph paper and highlighters or markers may be made available.</p>	<p>assistance is specified in a student's Individual Education Plan (IEP), 504 or Limited English Proficiency (LEP) Plan, and is consistent with instructional strategies.</p> <p>2. Students shall not leave the testing area to gain access to any calculators, dictionaries or thesauri, blank writing or graph paper, highlighter or markers, or any resources used for accommodations as specified in 703 KAR 5:070.</p> <p>3. Dictionaries and thesauri shall not be used on the reading, mathematics, science, social studies, arts and humanities or practical living/vocational studies content area tests.</p> <p>4. Materials placed on classroom walls for instructional purposes shall not be moved to other locations for assessment purposes. Such movement of materials constitutes placing materials on a wall for purposes of influencing the assessment results.</p>

Administration Practices

Building personnel and District Assessment Coordinators shall schedule test administration; arrange for adequate staff to administer the assessment; prepare an accurate student accountability roster; and ensure that all assessment materials are kept secure before, during, and after the testing sessions.

Administration Practices

OK	Not OK
<p>1. Words of encouragement and general instructions that do not imply evaluation of student work such as "Do your best," "Get started," and "Stay on task" are permissible.</p>	<p>1. During testing, test administrators or proctors shall not answer student questions that would aid the student in responding to any item on the test.</p>

Administration Practices continued

OK continued	Not OK continued
<ol style="list-style-type: none"> 2. The principal, building assessment coordinator and anyone assisting with administration to students in special populations shall ensure that any accommodations or modifications provided shall be consistent with the student's evaluation data, IEP, 504, or LEP Plan and the routine delivery of instructional services. The use of these accommodations or modifications for the assessment shall not inappropriately interfere with or influence the administration of the assessment to other students. 3. Tests should be scheduled to avoid conflicts with lunch; however, if a lunch break is required during testing, lunch shall be brought to the students in the testing area. If there are too many students for this to be reasonable, test materials shall be secured and students shall be escorted to the lunchroom, told not to discuss the test, sufficiently monitored to prevent discussion of test items during the entire lunch period, and escorted back to the testing area. 4. Interval or restroom breaks may be conducted by the test administrators or proctors at the discretion of the district. The length of time, refreshments served and the monitoring of students shall not affect the integrity of testing in any way. 5. Test sections shall be administered in the order in which they appear in the test booklets, with students of the same grade being simultaneously tested in the same content area and test session. The order may be changed for make-up test sessions. The order of testing shall not be altered to accommodate the need for calculators. 	<ol style="list-style-type: none"> 2. During testing, test administrators or proctors shall not assist a student in understanding the question. 3. Test administrators shall not encourage students to edit their responses by providing evaluation of student work through tone, gesture or phrase such as "You can do better", or "You can write more". 4. Students shall not take more than a single school day to complete a testing session, except where there is a submitted doctor's or nurse's statement of student illness or an emergency documented and submitted by the school principal. 5. A student shall not be left alone in a room to take the test. 6. A student shall not be allowed to take a test booklet or answer booklet out of the testing area without proper supervision.

Administration Practices continued

OK continued

6. When administering the statewide assessment, the test administrator or proctor shall observe any time limits and follow the specific directions in the manuals provided.
7. During testing, test administrators or proctors shall circulate throughout the testing site to monitor students as they work, verifying that students are working appropriately and individually.
8. When students need extended time to complete a test session, this additional time shall begin immediately following the initial administration. If students must move to another test location, they shall be escorted by a school staff member.

Disciplinary Practices and Student Motivation

Administrators may direct students to apply themselves to the task at hand but shall not give any direction that would enable a student to better understand the task or to gain advantage in responding to the task. Student responses may be visually scanned after the testing session to determine disciplinary problems. However, if disciplinary problems are determined to exist, students shall not be allowed to modify their initial response to test items.

When a student's responses to test items are reviewed and are found to contain inappropriate language, the student may be instructed to answer the questions again on separate sheets of paper for disciplinary purposes. The original responses, along with the rewritten ones clearly marked **NOT TO BE SCORED--ITEMS RETAKEN FOR DISCIPLINARY PURPOSES**, shall be submitted for scoring to the testing contractor.

Student responses may be visually scanned during or after the testing session to determine good faith efforts based on a checklist created and communicated to students prior to testing. The checklist may include whether students answered all parts of the questions, wrote legibly, and focused on testing during the administration time. Individual results from checklists or any other evaluative statements shall not be made to students until the entire assessment has been administered and submitted to the District Assessment Coordinator. Teachers may not assign grades to student responses based on specific content area evaluations that require creating a specific scoring guide or making the student responses available to support the assigned scores.

Writing Portfolios

Portfolios are a unique assessment component. They are the only portion of the statewide assessment developed under the direction of, and evaluated by, the classroom teacher. Teachers and students are provided with the definition and examples of successful work. Although portfolio contents may vary, each entry is to be evaluated by certified personnel, trained to apply the same set of standards in the same manner from student-to-student, from school-to-school and from year-to-year. To assure this consistency, appropriate training and monitoring of scoring practices are required. The Kentucky Department of Education provides scoring training and opportunities for scoring practice throughout the school year.

Writing pieces produced using practices that are inconsistent with this Administration Code shall not be included in a student portfolio.

Writing Portfolio Development

OK	Not OK
1. Teachers provide, in the course of instruction, opportunities for writing appropriate for inclusion in the portfolio.	1. Any assistance or intervention from teachers, peers or others that diminishes personal ownership of the portfolio.
2. Teachers allow ample time for preparation of portfolio entries in the classroom and may allow some student work outside of class.	2. Altering documentation attesting that portfolio contents were produced by the student.
3. Teachers ask questions to clarify the student's purpose, approach, meaning, content, ideas, organization, strategy, sentences, words and mechanics.	3. While it is permissible for teachers and others to mark on students' papers indicating the position of errors, no one other than the student shall make direct corrections or revisions on a student's work that is to be included in the student's writing portfolio.
4. Teachers may indicate the position of errors (e.g., circle errors, highlight mistakes, put checks in margins of lines where errors occur) and ask students questions about errors.	4. Adding, subtracting, revising, or working on portfolio entries after the completion date (Minor changes to the Table of Contents are permitted.).
5. Teachers share and discuss with students the portfolio scoring criteria and samples of student work that exemplify those criteria.	5. Peer tutors and others shall not provide assistance beyond that which can be provided by the teacher.
6. Teachers discuss best pieces and possible choices for inclusion in the portfolio with students.	

Writing Portfolio Development continued

OK continued

7. Teachers assist students in identifying a variety of tasks that address the required categories and types of portfolio entries.
8. Students shall write, type or word process portfolio pieces by themselves, unless otherwise allowed as accommodations by 703 KAR 5:070.
9. Teachers may assign peer tutors and others to assist students with portfolio development. All persons who provide assistance to students in portfolio development shall receive written information and training regarding how assistance may be appropriately provided.

Writing Portfolio Scoring

OK

1. Only certified school personnel who have received current Kentucky Department of Education training may provide accountability scores. For the purpose of writing portfolio scoring, certified school personnel shall include: a person with teacher or administrator certification employed by the district in a certified position; a person with teacher or administrator certification employed by the district in a classified position; or a person with teacher or administrator certification on an approved leave of absence. While student teachers may participate in the scoring process, they shall not be the scorer of record.
2. Scorers use current scoring materials and apply the scoring standards accurately and

Not OK

1. No individual shall instruct or encourage teachers to assign higher or lower scores than are warranted by the work contained within particular portfolios.
2. Scoring accuracy shall not be compromised by lack of adequate training or inappropriate scoring conditions.

Writing Portfolio Scoring continued

OK continued

consistently.

3. Scoring judgements are made on the basis of language on the scoring guide, using benchmarks, and referring to high-end portfolios to resolve decisions about the correct performance level for a particular portfolio.
4. The district shall maintain documentation that all scorers of writing portfolios have been appropriately trained.

Inclusion of Special Populations

An individual who provides any accommodation to a student with disabilities on any component of the statewide assessment shall be trained in his role and responsibilities and abide by confidentiality laws (KRS 160.700 et seq); this Administration Code, and the conditions under which each student uses the accommodations or modifications as described in the student's IEP, 504 Plan, or LEP Plan.

Any accommodations or modifications provided during assessment shall be consistent with the requirements specified in 703 KAR 5:070, Procedures for the Inclusion of Special Populations in the State-Required Assessment and Accountability Programs.

Alternate Portfolios

Only a student who meets all of the eligibility requirements for the Alternate Portfolio Program may submit an alternate portfolio. Eligible students shall be identified through the Admissions and Release Committee process.

Alternate Portfolios

OK	Not OK
<ol style="list-style-type: none"> 1. Students have primary ownership of their portfolio. Any intervention from teachers, peers or others should enhance rather than remove or diminish that ownership. 2. Teachers, parents, friends, and peers assume 	<ol style="list-style-type: none"> 1. Teacher authored materials in places other than the entry cover page. 2. The use of any accommodation or assistive device that is not a regular part of instruction (e.g., if the student uses a communication

Alternate Portfolio continued

OK	Not OK
<p>support roles as listeners, responders, and encouragers.</p> <p>3. Only certified school personnel who have received current Kentucky Department of Education training may provide accountability scores.</p> <p>4. Alternate portfolio scorers should refer to the terms used in the Alternate Portfolio Program Holistic Scoring Guide and score only evidence seen.</p> <p>5. The district shall maintain documentation that all scorers of alternate portfolios have been appropriately trained</p>	<p>system for the portfolio entry but does not use the same system as a regular part of his or her instruction).</p> <p>3. Adding or subtracting, revising, or working on portfolio evidence or entries after the completion deadline.</p>

III. Violations of the Administration Code for the Kentucky's Educational Assessment Program

All individuals participating in the administration of the testing program shall comply with the Administration Code for Kentucky's Educational Assessment Program. These steps shall be followed for any alleged state testing violation:

STEP 1 An allegation of inappropriate testing practices received at the Kentucky Department of Education shall be referred to the Bureau of Management Support Services, Division of Management Assistance.

STEP 2 Staff in the Division of Management Assistance shall manage the process for investigating each allegation of inappropriate testing practice. In order to make an investigation possible; an allegation shall include at least the name of the school or school district and a specific allegation. An anonymous allegation of inappropriate testing practices shall be investigated where: 1) the allegation is submitted in writing; 2) the specific name of the school is provided; 3) the names of individuals allegedly committing the inappropriate practices are provided and 4) the allegation can be corroborated through an identifiable source or document other than the person making the anonymous allegation. Local school district personnel shall be expected to cooperate in the investigation process as requested.

STEP 3 Staff in the Division of Management Assistance shall report all findings for each allegation to the Board of Review. This Board shall consist of members appointed by the Commissioner of

Education representing various Divisions within the Kentucky Department of Education or agencies outside the Department of Education.

STEP 4 The Board of Review shall review the findings and make a recommendation to the Commissioner of Education.

STEP 5 The Commissioner of Education shall make a final determination and then notify the school district superintendent and the school board chairperson of this determination. If one or more of the allegations is determined to be valid and warrants invalidation or change of scores, the Commissioner of Education shall direct the Deputy Commissioner of Learning Support Services to make appropriate adjustments in a school or district's scores.

If one or more of the allegations is determined to be valid and it appears that a school district employee is responsible for the wrongdoing, then within 45 days of the date of notification by the Commissioner of Education to the school district superintendent of the final determination or at the point which the local district superintendent has confirmed the wrongdoing by a certified staff member, whichever is earlier, the local district superintendent shall:

- a) Report in writing to the Commissioner of Education whether disciplinary action was taken or considered necessary; and
- b) Comply with his reporting responsibility to the Education Professional Standards Board pursuant to KRS 161.120.

If school or district accountability indices are adjusted as a result of the Commissioner's final determination, individual student reports shall not be changed, but changes to school or district accountability indices shall be reflected in the next scheduled score report release. Scores used to calculate the affected growth indices shall be adjusted, and may be reduced to non-performance for accountability purposes. Scores used to calculate baselines for the subsequent cycle shall not be changed.

STEP 6 After the local district receives the letter from the Commissioner of the action to be taken by the Department, the school may challenge the action by appealing the next performance judgement it receives. This process is described in 703 KAR 5:050, Statewide Assessment and Accountability Program; School Building Appeal of Performance Judgments.

IV. Review of Secure Assessment Components by Local District and other Certified Staff, Parents, and Persons not in the Employment of a Kentucky Public School District

KRS 158.6455 requires that the school accountability system shall be inclusive of all students. While the Kentucky Department of Education does not require individual student participation in the components of the statewide testing program, the Kentucky Department of Education shall hold schools and school districts accountable for the performance of all students. In the absence of

assessment information about the performance of a student, the school shall be assigned a non-performance (low novice) level for that student.

Because local district or other certified staff have access to the *Kentucky Core Content for Assessment* and because direct and systematic access to the assessment itself would produce undue risk to security of the assessment, local district and other certified staff shall **not** be permitted routine and systematic access to the assessment. It is recognized that in the administration of the assessment local district or other certified staff may view items and with interaction of students may become knowledgeable of some items. Provisions in this document provide for the reporting of concerns or perceived errors in the assessments. In order to establish the necessary public confidence in the assessment it may be necessary to permit some parents, under secure conditions, to review the assessment. Procedures are addressed below.

Some parents and others outside the employment of a local public school district have expressed interest in reviewing the secure components of the statewide assessment prior to the administration and release of those components. Because local district staff shall be responsible for reasonable security of the assessment materials, local districts shall not be required to allow reviews of secure materials considering the potential demand that would stretch local district staff beyond its capacity to provide for that security. If a district chooses to assist in the review of secure testing materials, the review shall take place in the presence of the local district assessment coordinator. A statewide assessment program nondisclosure statement shall be signed by all parties and maintained in the District Assessment Coordinator's files.

If a district chooses not to permit the review of secure materials under its auspices, the Kentucky Department of Education may permit this review, maintaining a statewide assessment program nondisclosure statement in the Office of Assessment and Accountability, based on the availability of appropriate staff to supervise the review activities. To facilitate this process, the Kentucky Department of Education may arrange to allow this review at any of its eight regional offices or in Frankfort.

V. Proper Reporting of Nonacademic Indicators (Attendance, Retention, Dropout and Transition to Adult Life)

The Nonacademic Indicators - attendance, retention, dropout and transition to adult life - are data elements contributing to the school building and school district accountability indices. Local districts shall be responsible for submitting this data as accurately as possible and are responsible for informing the Kentucky Department of Education of any known errors in the data reported. Reporting of incorrect data for the purpose of inaccurately affecting the calculation of accountability indices shall be considered a violation of this Administration Code and shall be treated as described in Section III of this document.

703 KAR 5:120. Assistance for schools; guidelines for scholastic audit.

RELATES TO: KRS 158.6451, 158.6453, 158.6455, 158.782, 158.805

STATUTORY AUTHORITY: KRS 158.6455

NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.6455 requires the Kentucky Board of Education to adopt administrative regulations relating to assistance to improve teaching and learning for a school that has an index score that places it below the assistance line and relating to the guidelines for conducting scholastic audits. This administrative regulation establishes standards for assistance to schools and for conducting scholastic audits.

Section 1. Definitions. (1) "Assistance line" means the unique line for a school that starts in the biennium ending with the school year 2001-2002 at one (1) standard error of measurement below the school's baseline accountability index to a point that is one (1) standard error of measurement below eighty (80) on the accountability index scale in the biennium ending with the school year 2013-2014. The calculated points defining this line shall be rounded to the nearest tenth. If a school's baseline is above eighty (80), the assistance line is a horizontal line at eighty (80) minus one (1) standard error of measurement.

(2) "In need of assistance" means the school's growth accountability index falls below its assistance point.

(3) "Level 1" means a classification assigned to a school that has an index score that places it in the highest one-third (1/3) of all schools below the assistance line.

(4) "Level 2" means a classification assigned to a school that has an index score that places it in the middle one-third (1/3) of all schools below the assistance line.

(5) "Level 3" means a classification assigned to a school that has an index score that places it in the lowest one-third (1/3) of all schools below the assistance line.

(6) "Progressing" means the school's growth accountability index falls below its goal point and meets or exceeds its assistance point.

(7) "Sample of schools" means a representation of schools, not to exceed five (5) percent, of those with an accountability index above the assistance line.

(8) "Scholastic audit" means a comprehensive review of a school's learning environment, efficiency, and academic performance of students to determine the level of support necessary to continuously improve student academic performance.

(9) "School classification" means the status of a school or school district, including "meets goal", "progressing", or "in the need of assistance" based on measures of growth.

(10) "School improvement plan" means a data driven and research-based framework developed by the school which contains specific recommendations from the scholastic audit team for improving teaching and student learning and identifies priority needs for strengthening the school's instructional and organizational effectiveness.

(11) "School portfolio" means a collection of documents pertinent to a school that is used to create a profile of the strengths and limitations of the school's instructional and organizational effectiveness, including:

(a) The school's consolidated plan;

(b) State assessment results;

(c) Student achievement data;

(d) Portfolio writing analysis data;

(e) School survey data;

(f) The school report card;

(g) District technology inventory;

(h) School handbook and master schedule;

(i) School-based decision-making policies and meeting minutes;

- (j) Teacher lesson plans;
- (k) District evaluation plan;
- (l) Curriculum alignment documents;
- (m) Examples of student work; and
- (n) A listing of professional development activities.

(12) "Standard error of measurement" means, for purposes of the assistance line or the goal line, the statistic derived from the baseline calculations taking into account appropriate sources of measurement error and number of students assessed.

(13) "Standards and indicators for school improvement" means the evaluation tool used in the scholastic audit process to determine the appropriateness of the school's classification and to make recommendations to improve teaching and learning for inclusion in the existing consolidated school improvement plan.

Section 2. (1) A Level 1 school shall conduct a scholastic review and self-study facilitated by the district's professional development coordinator with assistance provided by Kentucky Department of Education (KDE) staff. The chairperson shall be appointed by the Commissioner of Education in consultation with the superintendent. The chairperson shall be responsible for:

- (a) The notification of the school community that the audit will take place and a process for written comments;
- (b) The coordination of the site visitation;
- (c) The facilitation of the process;
- (d) The facilitation of a meeting with district staff prior to the audit visit;
- (e) The drafting of the report;
- (f) The delivery of the final report to the local school board members, superintendent, principal and the school council members within three (3) weeks of completing the scholastic review.

(2) Beginning with the results of the 2000-2002 accountability cycle, a Level 1 school may be eligible to receive Commonwealth school improvement funds. The school council shall decide whether to accept or decline Commonwealth school improvement funds. If the council chooses to decline, the principal shall notify the local board of education of the council's decision.

(3) To involve stakeholders in identifying priorities for school improvement planning, the school principal, in collaboration with the other school council members, shall notify parents and interested community members of the findings and recommendations of the review team. The findings shall be presented and discussed on the agenda of the next scheduled school council meeting and at a local board of education meeting.

(4) A Level 1 scholastic review and self study team:

- (a) Shall use the "Standards and Indicators for School Improvement" to evaluate the school's learning environment, efficiency, and academic performance;
- (b) Shall make recommendations to improve teaching and learning for inclusion in the existing consolidated school improvement plan; and
- (c) May review the district's certified employee evaluation plan and make recommendations regarding the implementation of the professional growth and evaluation plan and process used by the school.

Section 3. (1) A Level 2 school shall receive a scholastic review facilitated and chaired by a designee of the Commissioner of Education with assistance from the district's central office staff. The chairperson shall be responsible for:

- (a) The notification of the school community and a process for written comments;
- (b) The coordination of the site visitation;
- (c) The facilitation of the process;
- (d) The facilitation of a meeting with district staff prior to the audit visit.

(e) The drafting of the report;

(f) The delivery of the final report to the local school board members, superintendent, principal and the school council members within three (3) weeks of completing the scholastic review; and

(2) Beginning with the results of the 2000-2002 accountability cycle, a Level 2 school may be eligible to receive Commonwealth school improvement funds. The school council shall decide whether to accept or decline Commonwealth school improvement funds. If the council chooses to decline, the principal shall notify the local board of education of the council's decision.

(3) To involve stakeholders in identifying priorities for school improvement planning, the school principal, in collaboration with the other school council members, shall notify parents and interested community members of the findings and recommendations of the review team. The findings shall be presented and discussed on the agenda of the next scheduled school council meeting and at a local board of education meeting.

(4) A Level 2 scholastic review shall:

(a) Use the "Standards and Indicators for School Improvement" to evaluate the school's learning environment, efficiency, and academic performance;

(b) Make recommendations to improve teaching and learning for inclusion in the existing consolidated school improvement plan; and

(c) Review the district's certified employee evaluation plan and make recommendations regarding the implementation of the professional growth and evaluation plan and process used by the school.

Section 4. A Level 3 school shall receive education assistance from a highly skilled educator under KRS 158.782 and a scholastic audit. A Level 3 school shall be eligible to receive Commonwealth school improvement funds under KRS 158.805. In order for a Level 3 school to decline to accept Commonwealth school improvement funds, the approval of the school council shall be required and the local board of education shall be notified of the decision.

Section 5. Evaluation of school personnel in a Level 3 school shall address the following:

(1) The district's evaluation plan and process for certified staff shall be reviewed and recommendations made on the implementation of the evaluation plan and process used by the school;

(2) A person responsible for evaluating certified personnel, including the certified members of the audit team, shall have fulfilled the training requirements as described in KRS 156.101 and 704 KAR 3:345;

(3) Beginning with the school year 2002-2003, the qualified members of the audit team shall submit written recommendations for additional staff evaluations to be conducted by the certified administrator charged with evaluation. If additional evaluations are required, the certified administrator charged with evaluation, in collaboration with the assigned highly skilled educator, shall submit a progress report to the district and the KDE within six (6) months of the initial report. Based on the findings, under KRS 156.132, the Commissioner of Education may recommend to the local superintendent that:

(a) The principal, who is identified by the audit as in need of additional evaluation but who does not respond to the professional growth plan as identified in 704 KAR 3:345, be dismissed, demoted, or transferred; and

(b) A teacher, who is identified by the audit as in need of additional evaluation but who does not respond to the professional growth plan, be dismissed or transferred.

Section 6. (1) If a school is classified as a Level 3 school for two (2) consecutive biennia, a student attending the Level 3 school may transfer to a school with an accountability index above its assistance line within the district or if none is available, a school with an accountability index above its assistance line outside the district. No later than thirty (30) days before the start of the next school year the student shall submit the transfer request to the superintendent.

(2) The superintendent shall select the receiving successful school in the home district or make arrangements with a neighboring district with the student transfer to be effective beginning with the next school year after the school is classified as a Level 3 school for two (2) consecutive biennia. If two (2) districts cannot agree, the superintendent of the student's resident district shall request the Commissioner of Education to resolve the issue and make a decision on the placement of the student.

(3) The school district in which the student is enrolled shall retain the SEEK funding, and the student's resident district shall be responsible for all transportation costs incurred as a result of a student transferring.

Section 7. If a school is classified as Level 3, a scholastic audit team may request the Commissioner of Education to recommend to a local board of education the removal of a school council member under KRS 160.347.

Section 8. (1) Members of the scholastic audit team shall be selected and trained from a pool of candidates who have submitted an application to the Department of Education (KDE). The training shall include:

(a) Developing, implementing, and evaluating a comprehensive consolidated school improvement plan that communicates a clear purpose, direction

and action plan focused on improved teaching and learning;

(b) Building capacity for school leadership at all levels that promotes instructional decisions resulting in active support for teaching and learning and sustained continuous improvement;

(c) Organizing the school to maximize use of all available resources to support high student and staff performance within a safe environment;

(d) Using time efficiently and effectively to maximize teaching and learning;

(e) Providing and supporting research-based, results driven professional development opportunities for all staff to improve staff and student learning;

(f) Building relationships and collaborative networks, open communication, and active engagement of all stakeholders;

(g) Attending to the evidence as to whether the individual needs of students are being met and assessing equitable access to the entire curriculum;

(h) Using resources effectively to eliminate barriers to learning and providing the appropriate support structures to meet the needs of all students;

(i) Using technology and other resources as an integral part of an effective, educational program to improve teaching and learning;

(j) Developing and learning how to assess an effective learning community;

(k) Developing and implementing an effective, responsive curriculum that is rigorous, intentional, articulated, integrated and aligned to state standards established under KRS 158.645, 158.6451, and 703 KAR 4:060;

(l) Developing and learning how to assess an instructional program that actively engages all students by employing varied research-based practices to improve academic performance;

(m) Developing and learning to utilize multiple evaluation and assessment strategies to monitor and modify instruction;

(n) Conducting professional growth and evaluation of certified personnel;

(o) Assessing and advising compliance with Kentucky's statutory and regulatory requirements for schools and school districts; and

(p) Understanding and assessing the fiscal relationship between schools and districts with respect to resource allocation and integration.

(2) The scholastic audit team shall consist of the following members:

(a) A highly skilled educator selected under KRS 158.782;

(b) An active or retired teacher who has not been under full-time contract in the district in which the school is being audited;

(c) An active or retired principal or other school-level administrator who has not been under full-time contract in the district in which the school is being audited;

(d) An active or retired district level administrator who has not been under full-time contract in the district in which the school is being audited;

(e) A parent or legal guardian who has or has had a school-aged child and resides outside the district which includes the school being audited; and

(f) An active or retired university faculty member.

(3) The Commissioner of Education or his designee shall name a highly skilled educator with administrative certification and experience, an experienced certified administrator member of the audit team, or a similarly qualified state-designated agent to serve as chairperson of the scholastic audit team. The chairperson shall be responsible for:

(a) The notification of the school community and a process for written comments;

(b) The coordination of the site visitation;

(c) The facilitation of the process;

(d) The facilitation of a meeting with district staff prior to the audit visit;

(e) The drafting of the report; and

(f) The delivery of the final report to the KDE, local school board members, superintendent, principal and the school council members.

(4) Prior to the scholastic audit, the school principal, in collaboration with the other members of the school council, shall prepare a school portfolio for use in creating a profile of the strengths and limitations of the school's instructional and organizational effectiveness. Evidence as to the current levels of instructional and organizational effectiveness shall be indicated in the identification of priorities for school improvement in the school consolidated plan.

(5) A school's learning environment, efficiency, and student academic performance shall be evaluated by using the scholastic audit team using "Standards and Indicators For School Improvement."

(6) The scholastic audit team shall:

(a) Make recommendations for assistance;

(b) Share a draft report with the school faculty and school council members prior to the scholastic audit team's departure; and

(c) Submit a final exit report, within three (3) weeks following the site visit, to the KDE, local school board members, superintendent, principal, and the school council members, regarding:

1. The appropriateness of the classification based upon audit findings;

2. Specific recommendations to improve teaching and learning for inclusion into the existing consolidated school improvement plan;

3. The evaluation of school-based decision-making council decisions in the critical instructional areas under KRS 160.345(2)(d)(i) and (3)(c);

4. The evaluation of the effectiveness of the principal as the instructional leader, in the areas of efficiency, learning environment, and academic performance;

5. The identification of certified staff, including administrators, needing further performance evaluations to the primary evaluator as defined in KRS 156.101(6)(c)2;

6. The assistance and resources required to revise the consolidated school improvement plan; and

7. The identification of priorities and strategies, which the school or district may adopt to support the improvement effort.

(7) To involve stakeholders in identifying priorities for school improvement planning, the school principal, in collaboration with the other school council members, shall notify parents and interested community members of the findings and recommendations of the audit team. The audit findings shall be presented and discussed on the agenda of the next scheduled school council meeting and at a local board of education meeting.

(8) School improvement plans shall be based upon:

(a) Recommendations from the audit team's exit report for improving teaching and learning that shall be incorporated into the existing consolidated plan submitted to the district and the KDE; and

(b) Specific, research-based standards and indicators of quality as found in "Standards and Indicators for School Improvement" so all school and district consolidated plans are linked to the critical elements of the scholastic audit process and focused on improving student academic performance.

(9) The process for amending a school plan shall be a local decision, beginning with the approval by the school council.

(10) An amendment to a school plan shall be shared at the district level so district personnel can determine if the amendment results in a need for reallocation of discretionary resources and an adjustment or formal amendment to the district plan.

Section 9. (1) A principal of a school classified as a Level 3 shall participate in at least twelve (12) hours of professional development activities which may include opportunities for coaching and mentoring. The focus shall be on building leadership skills in student academic performance, learning environment, and organizational efficiency as measured by the "Standards and Indicators for School Improvement". The participation shall occur within twelve (12) months of being classified as a Level 3 school. The professional development activities shall be designed and delivered by the KDE and the local district in accordance with KRS 156.101.

(2) A principal of a school classified as a Level 1 or Level 2 shall participate in at least twelve (12) hours of professional development activities which may include opportunities for coaching and mentoring. The focus shall be on building leadership skills in student academic performance, learning environment, and organizational efficiency as measured by the "Standards and Indicators for School Improvement". The participation shall occur within twelve (12) months of being classified as a Level 1 or Level 2 school. The professional development activities shall be designed and delivered by the KDE or the local district in accordance with KRS 156.101.

Section 10. The KDE shall conduct scholastic audits in a random sample of schools.

Section 11. Incorporation by Reference. (1) The "Standards and Indicators for School Improvement", dated March 30, 2000, is hereby incorporated by reference.

(2) This document may be inspected, obtained, and copied at Office of Leadership and School Improvement, Department of Education, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky, Monday through Friday, 8 a.m. through 4:30 p.m. (26 Ky.R. 2120; eff. 8-23-2000.)

STANDARDS AND INDICATORS FOR SCHOOL IMPROVEMENT (School/District Shared Leverage Points)

<p><u>Standard 1 - Academic Performance - Curriculum</u> Rigorous, intentional and aligned...</p> <ul style="list-style-type: none"> 1.1a Aligned with academic expectation, core content, program of studies 1.1b Discussions among schools regarding curriculum standards 1.1c Discussions among schools to eliminate overlaps, close gaps 1.1d Vertical communication w/focus on key transition points 1.1e Links to continuing education, life and career options 1.1f Process to monitor, evaluate and review curriculum 1.1g Common academic core for all students 	<p><u>Standard 4 - Learning Environment - School Culture</u> Effective Learning Community with Climate...</p> <ul style="list-style-type: none"> 4.1a Leadership support for safe, orderly environment 4.1b Leadership beliefs and practices for high achievement 4.1c Teacher beliefs and practices for high achievement 4.1d Teachers and non-teaching staff involved in decision making 4.1e Teachers accept their role in student success/failure 4.1f Effective assignment and use of staff strengths 4.1g Teachers communicate student progress with parents 4.1h Teachers care about kids and inspire their best efforts 4.1i Multiple communication strategies used to disseminate info 4.1j Student achievement valued and publicly celebrated 4.1k Equity and diversity valued and supported 	<p><u>Standard 7 - Efficiency - Leadership</u> Instructional Decisions Focus On Support for Teaching/Learning, Organizational Direction, High Performance Expectations, Learning Culture, and Developing Leadership Capacity</p> <ul style="list-style-type: none"> 7.1a Leadership developed shared vision 7.1b Leadership decisions are collaborative, data driven, performance 7.1c Leadership personal PD plan focused on effective skills 7.1d Leadership disaggregates data 7.1e Leadership provides access to curriculum and data 7.1f Leadership maximizes time effectiveness 7.1g Leadership provides resources, monitors progress, removes barriers to learning 7.1h Leadership ensures safe and effective learning 7.1i Leadership ensures necessary SBDM policies 7.1l SBDM has intentional focus on student academic performance 7.1k Leader has skills in academic performance, learning environment, efficiency
<p><u>Standard 2 - Academic Performance - Classroom Evaluation/Assessment</u> Multiple Evaluation and Assessment Strategies...</p> <ul style="list-style-type: none"> 2.1a Classroom assessments are frequent, rigorous, aligned 2.1b Teachers collaborate in design of assessment, aligned 2.1c Students can articulate the expectations, know requirements 2.1d Test scores used to identify gaps 2.1e Multiple assessments provide feedback on learning 2.1f Performance standards communicated and observable 2.1g CATS coordination - building and district 2.1h Student work analyzed 	<p><u>Standard 5 - Learning Environment - Student, Family and Community Support</u> School Works with Families/Community to Remove Barriers...</p> <ul style="list-style-type: none"> 5.1a Families and communities active partners 5.1b All students have access to all curriculum 5.1c School provides organizational structure 5.1d Student instructional assistance outside of classroom 5.1e Accurate student record keeping system 	<p><u>Standard 8 - Efficiency - Organizational Structure and Resources</u> Organization Maximizes Time, Space, Resources...</p> <p><u>Organization of the School</u></p> <ul style="list-style-type: none"> 8.1a Maximizes organization and resources for achievement 8.1b Master schedule provides all students access 8.1c Staffing based on student needs 8.1d Staff's efficient use of time to maximize learning 8.1e Team vertical and horizontal planning focused on improvement plan 8.1f Schedule aligned with student learning needs <p><u>Resource Allocation and Integration</u></p> <ul style="list-style-type: none"> 8.2a Resources used, equitable 8.2b Discretionary funds allocated on data based needs 8.2c Funds aligned with CP goals 8.2d State/Federal funds allocated with CP goals and data needs
<p><u>Standard 3 - Academic Performance - Instruction</u> Instructional Program Engages All Students...</p> <ul style="list-style-type: none"> 3.1a Varied instructional strategies used in all classrooms 3.1b Instructional strategies/activities aligned with goals 3.1c Strategies monitored/aligned to address learning styles 3.1d Teachers demonstrate content knowledge 3.1e Teachers incorporate technology in classrooms 3.1f Sufficient resources available 3.1g Teacher collaboration to review student work 3.1h Homework is frequent, monitored and tied to instructional practice 	<p><u>Standard 6 - Learning Environment - Professional Growth, Development and Evaluation</u> Researched-based, Professional Development and Performance Evaluation to Improve Teaching and Learning</p> <p><u>Professional Development</u></p> <ul style="list-style-type: none"> 6.1a Long term professional growth plans 6.1b Building capacity with on-going PD 6.1c Staff development aligned with student performance goals 6.1d School improvement goals connected to student learning goals 6.1e PD ongoing and job imbedded 6.1f PD aligned to analysis of test data <p><u>Professional Growth and Evaluation</u></p> <ul style="list-style-type: none"> 6.2a School has clearly defined evaluation process 6.2b Leadership provides sufficient PD resources 6.2c Evaluations and growth plans effectively used 6.2d Evaluation process meets or exceeds statutes 6.2e Instructional leadership needs addressed 6.2f Leadership provides evaluation follow-up and support 	<p><u>Standard 9 - Efficiency - Comprehensive and Effective Planning</u> School Improvement Plan...</p> <p><u>Defining the School's Vision, Mission, Beliefs</u></p> <ul style="list-style-type: none"> 9.1a Collaborative process <p><u>Development of the Profile</u></p> <ul style="list-style-type: none"> 9.2a Planning process involves collecting, managing and analyzing data 9.2b Uses data for school improvement planning <p><u>Defining Desired Results for Student Learning</u></p> <ul style="list-style-type: none"> 9.3a Plans reflect research /expectations for learning and are reviewed by team 9.3b Staff analysis student learning needs 9.3c Desired learning results are defined <p><u>Analyzing Instructional and Organizational Effectiveness</u></p> <ul style="list-style-type: none"> 9.4a Data used to determine strengths and limitations 9.4b School goals are defined <p><u>Development of the Improvement Plan</u></p> <ul style="list-style-type: none"> 9.5a School improvement action steps aligned with goals and objectives 9.5b Plan identifies resources, timelines & person responsible 9.5c Process to effectively evaluate plan 9.5d Plan aligned with mission, beliefs, school profile, desired results <p><u>Implementation and Documentation</u></p> <ul style="list-style-type: none"> 9.6a Plan implemented as developed 9.6b Evaluate degree of student learning set by plan 9.6c Evaluate student performance according to plan 9.6d Evidence to sustain the commitment to continuous improvement

Leverage points, School only School and district

703 KAR 5:130. School district accountability.

RELATES TO: KRS 158.645, 158.6451, 158.6453, 158.6455

STATUTORY AUTHORITY: KRS 156.070, 158.6455

NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.6455 authorizes the Kentucky Board of Education to promulgate an administrative regulation establishing a local school district accountability program. This administrative regulation establishes eligibility for district rewards, and it establishes procedures for determining assistance and other consequences for local school districts having schools in need of assistance as defined in 703 KAR 5:020.

Section 1. Definitions. (1) "District evaluation team" means one (1) or more scholastic audit teams as established in 703 KAR 5:120.

(2) "Level 3" means a classification assigned to a school that has an index score that places it in the lowest one-third (1/3) of all schools below the assistance line.

Section 2. (1) Dropout data generated at an A2-A6 school shall be attributed to the school district in which the A2-A6 school is located, unless the district exercises the option in subsection (2) of this section.

(2) If a district where an A2-A6 school is located can identify the A1 school which would have served the student if the student had not required services offered by the A2-A6 school, then the dropout data regarding that student shall be assigned to the A1 school. If a school district exercises this option, the district shall accurately report specific student dropout data to the district containing the accountable A1 school to be included in the nonacademic data reported the Department of Education. If, after reasonable effort, the district cannot determine the proper A1 school of accountability, the district may request that the Kentucky Department of Education assign the data to the proper district or regional data.

Section 3. A local school district in which all schools are classified as progressing or meets goal under 703 KAR 5:020 and meets the dropout criteria established for schools in order to earn rewards in 703 KAR 5:020 shall be declared an exemplary growth district and shall receive rewards as determined by the Kentucky Board of Education.

Section 4. (1) A local school district shall be held accountable for providing its schools appropriate instructional leadership and instructional support.

(2) A local school district containing a school that is classified as Level 3 that was not classified as Level 3 the previous accountability cycle shall modify its district consolidated plan by including a specific support plan designed to assist each Level 3 school in improving its academic achievement. The plan shall address each of the areas listed in Section 5 of this administrative regulation and shall be sent to the local board of education members and to the Level 3 school council members or, if none exists, the principal, for approval.

(3) If a school is classified as Level 3 for two (2) or more consecutive accountability cycles, the school district shall be subject to a district audit conducted by a district evaluation team. The team shall review each of the areas outlined in Section 5 of this administrative regulation and the district's implementation of the previous accountability cycle's school support plan. The district audit team shall also evaluate the district as to district responsibilities using "Standards and Indicators for School Improvement", which is incorporated by reference in 703 KAR 5:120.

Section 5. A local school district shall address the following areas in its school support plan:

(1) Instructional leadership shall include evidence that the local school district provides:

(a) Instructional staff access to curriculum-related materials and training necessary to use curricular and data resources relating to the goals for Kentucky public schools established in KRS 158.645 and 158.6451 and the academic expectations established in 703 KAR 4:060 and the school's performance trends, which include state assessment data and other student achievement performance measures identified by the district;

(b) A professional development planning process that results in training activities provided for the certified staff within the goals established in KRS 158.6451 and the local needs assessment required in 704 KAR 3:035, annual professional development plan. The district shall include evidence that it equitably and effectively distributes professional development resources and has designed a district professional development program based on student achievement data; and

(c) A structure for instructional improvement including evidence that the local school district is actively supporting a systematic, school improvement planning process involving appropriate stakeholder groups, including parents, business representatives, and the general public, and the district is using all available and appropriate data;

(2) Financial services and support shall include evidence that district resources have been distributed to each school equitably and consistently in accordance with the requirements of 702 KAR 3:246, School council allocation formula. The district shall also demonstrate that decisions about discretionary funds and other available resources not included in the school allocation formula are directed by an assessment of need or a required plan, all of which are data driven;

(3) Safe and secure instructional facilities shall include evidence of adequate and equitable maintenance of facilities. In addition, safe and secure instructional facilities shall include evidence that the school district has reviewed and assisted in the implementation of the school-based safety plans dealing directly with issues related to discipline and a safe school environment; and

(4) An effective certified employee evaluation program shall include evidence that the evaluation of the principal and certified staff has been

implemented in a regular and timely manner consistent with the district's approved evaluation plan submitted under KRS 156.101 and that the evaluation process focuses on improving instruction.

Section 6. The district evaluation team shall submit a report, including its recommendations, to the Commissioner of Education, the district superintendent, and the local board of education within two (2) weeks of its review. The report shall be presented by a member of the district evaluation team at a local board of education meeting with opportunity for public comment. The district evaluation team recommendations may include the following:

- (1) No additional action is needed because the district is effectively implementing its school support plan which reflects strategies to meet the needs of the Level 3 school;
- (2) Revisions to the school support plan are needed even though the district has effectively implemented its plan;
- (3) Revisions in implementation procedures are needed as implementation of the school support plan is not effective; or
- (4) A management audit as provided in KRS 158.785 and 703 KAR 3:205 is needed because the district has not effectively developed or implemented its school support plan. (26 Ky.R. 2123; eff. 8-23-2000.)

703 KAR 5:140. Requirements for school and district report cards.

RELATES TO: KRS 158.6453

STATUTORY AUTHORITY: KRS 158.6453

NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.6453(7) requires the Kentucky Board of Education to promulgate an administrative regulation to define the implementation and the components of a school and district report card that clearly communicates with parents and the public about school and district performance. This administrative regulation establishes the standards for a school and district report card.

Section 1. Definitions. (1) "Average student/teacher ratio" means the total enrollment of the school (end of year membership) divided by the number of teachers on a full-time equivalent (FTE) basis, not including administrators, guidance counselors, or media specialists.

(2) "Average years of experience" means the average number of years of professional experience of classroom teachers excluding certified staff such as administrators, guidance counselors, or media specialists.

(3) "Base year" means the academic year immediately preceding the publication of the school report card components.

(4) "Certified teacher" means a classroom teacher certified by the Education Professional Standards Board to teach the grade level and subject matter being taught in the class to which the teacher is assigned, including collaborating teachers, but not including administrators, guidance counselors, or media specialists.

(5) "Content-focused professional development" means professional development that is teacher focused, discipline-based and content grounded, and provides teachers with in-depth learning experiences in the chosen core discipline.

(6) "District report card (base)" means the summary of district and school information that is required to be published in the newspaper with the largest paid circulation in the county in which the district resides.

(7) "District report card (expanded)" means the compilation of information, including the district report card (base) and other information as required in Section 5 of this administrative regulation, including the disaggregated data elements, available for viewing in the district central office upon request by parents and public; copies shall be made available at no charge or at a charge not to exceed cost.

(8) "School" means an A1 school as defined in 703 KAR 5:040, Section 1(1).

(9) "School report card (base)" means the printed compilation of school information to be sent by the school to every parent or guardian with a child or children in a school.

(10) "School report card (expanded)" means the compilation of information, including the school report card (base) and other information as required in Section 3 of this administrative regulation, including the disaggregated data elements, available for viewing in the main office of each school upon request of parents and public.

(11) "School safety data" means a list of components as established in Section 2 of this administrative regulation, critical to providing for a safe school environment for students and school staff.

(12) "Spending per student - district" means the total expenditures made divided by the total primary through grade twelve (12) end of year average daily attendance in the district.

(13) "Spending per student - school" means a set of instructional expenditures established in "Calculation Procedures for Data Included in the School Report Card" incorporated by reference in Section 9 of this administrative regulation common to all schools divided by the total end of year average daily attendance of the school.

(14) "Spending per student - state" means the total expenditures made divided by the total primary through grade twelve (12) end of year average daily attendance in the state.

(15) "Total enrollment" means the number of primary through grade twelve (12) students enrolled in a school or district as reported by the local superintendent at the close of the year.

Section 2. School Report Card (Base). (1) A school report card (base) shall be sent to the parents or guardians of each student in a school by United States mail, unless a waiver is granted by the Department of Education for a proposal that is equally effective in notifying parents or guardians of the card and its contents. If a parent or guardian has more than one (1) child in the same school, one (1) report card may be sent to the family.

(2) A school report card shall include the following information:

(a) The name and address of the school, the name of its principal, and telephone, fax and e-mail contact information, all of which shall be current;

(b) The total enrollment of the school;

(c) The school level results of all components of the Commonwealth Accountability Testing System;

(d) The school level results of state-sanctioned performing arts competitions or other state-sanctioned academic or speech competition, if applicable;

(e) Teacher qualification information, including:

1. The percent of classes taught by a teacher certified for subject and grade level;

2. The percent of classes taught by teachers with a major, minor, or the equivalent in the subject being taught (i.e., certified via an alternative route, having an endorsement in the area being taught, middle school areas of concentration for middle school certification, passing the relevant PRAXIS II content test, or other assessments stipulated by the Education Professional Standards Board);

3. The percent of classes taught by teachers participating in content-focused professional development related to the content being taught during the base year;

4. The percent of teachers with a masters degree or greater or the equivalent; and

5. Average years of teaching experience;

(f) School safety data including:

1. Whether visitors are required to sign in;

2. Whether all parents receive the district discipline code;

3. What procedures are in place for drug and weapons detection;

4. The percentage of classrooms with telephones able to access outside lines; and

5. Data detailing safety violations of aggravated assault (with intent to cause injury), drug abuse, and weapons. The safety data shall include:

a. The number of incidents;

b. The number of students suspended or expelled for that kind of incident; and

c. The number of students transferred to alternative placement for that kind of incident;

(g) Student resource data including:

1. Spending per student at the school, district and state level;

2. Average student to teacher ratios at the school, district, and state level;

3. Student to computer ratios at the school, district and state level;

4. Percentage of classrooms with at least one (1) student workstation with Internet access; and

5. Description of integration of technology into instruction;

(h) Parental involvement information including:

1. Number of students whose parent or guardian had at least one (1) teacher conference;

2. Number of parents and guardians voting in school council elections;

3. Number of parents and guardians serving on the school council or its committees; and

4. Number of school-related volunteer hours;

- (i) A narrative describing to the public actions being taken to address issues in equity related to the delivery of educational services to all students; and
- (j) The names of members of the current year school council with contact information, including telephone numbers or e-mail addresses where the members can be reached for questions or comments.

Section 3. School Report Card (Expanded). (1) A school report card (expanded) shall be available for viewing on request in the office of the school. Copies shall be made available at no charge or at a charge not to exceed cost, except for all data disaggregation pages which shall be supplied at no cost.

(2) A school report card (expanded) shall include:

- (a) The data disaggregation pages of reports supplied by the Department of Education;
- (b) Documentation of plans, policies and procedures specified in KRS 158.440 for assisting students at risk of academic failure or of engaging in disruptive and disorderly behavior;
- (c) The number of students and the percentage of the student population participating in special education programs;
- (d) The number of students and the percentage of the student population receiving instructional accommodations;
- (e) The executive summary from the school consolidated plan;
- (f) A listing of average class sizes for core classes including reading, mathematics, science, social studies and writing at all grade levels, and, if feasible, arts and humanities and practical living and vocational studies classes;
- (g) A school technology report. The school technology and the learning interface section from the consolidated planning comprehensive needs assessment and any technology-related action items included in that plan may be used to fulfill this requirement; and
- (h) The number of students enrolled for a fifth year in the primary program, if the school includes a primary program.

(3) Upon the implementation of a statewide student data base, the following shall be included in the expanded school report card:

- (a) At the high school level, a list of the advanced placement subjects offered by grade, the total number of students enrolled in each advanced placement class, and these enrollments disaggregated by gender, race, and free and reduced lunch participation. The number of students who take the advanced placement tests and the average advanced placement examination scores by subject shall be disaggregated by gender, race, and free and reduced lunch participation;
- (b) At the high school level, an indication of whether a Commonwealth diploma is offered. If offered, the number of students earning this diploma shall be disaggregated by gender, race, and free and reduced lunch participation; and
- (c) The total number of students enrolled in the gifted and talented program in each of the following areas disaggregated by gender, race, and free and reduced lunch participation:
 - 1. General intellectual;
 - 2. Specific academic;
 - 3. Creativity;
 - 4. Leadership; and
 - 5. Creative and performing arts.

Section 4. District Report Card (Base). A district report card shall include a district level summary of all school data required on the school report card (base) and shall be the aggregation of the school report cards by grade level. This card shall be published in the newspaper with the largest circulation in the county by the date specified in Section 6 of this administrative regulation. The base district report card shall include a narrative describing to the public actions being taken to address issues in equity related to the delivery of educational services to all students. The district report card (base) shall also include the names and appropriate addresses of the district superintendent and members of the local board of education.

Section 5. District Report Card (Expanded). (1) A district report card (expanded) shall be available for viewing in the district central office no later than the date specified in Section 6 of this administrative regulation. Copies shall be made available at no charge or at a charge not to exceed cost, except for all data disaggregation pages which shall be supplied at no cost.

(2) A district report card (expanded) shall include:

- (a) The data disaggregation pages of reports supplied by the Department of Education;
- (b) Documentation of plans, policies and procedures specified in KRS 158.440 for assisting students at risk of academic failure or of engaging in disruptive and disorderly behavior for the district;
- (c) The number of students and the percentage of the student population participating in special education programs;
- (d) The number of students and the percentage of the student population receiving instructional accommodations;
- (e) The executive summary from the district consolidated plans;
- (f) A listing of district average class sizes for core classes including reading, mathematics, science, social studies and writing at all grade levels, and, if feasible, arts and humanities and practical living and vocational studies classes;
- (g) A school district technology report. The district technology plan as required by KRS 157.615 and 157.665 and the district technology and the learning interface section from the consolidated planning comprehensive needs assessment and any technology related action items included in this plan may be used to fulfill this requirement; and
- (h) The number and percent of students enrolled for a fifth year in the primary program in the district; and
- (i) Copies of all base school report cards.

(3) Upon the implementation of a statewide student data base, the following shall be included in the expanded district report card:

- (a) At the high school level, a list of the advanced placement subjects offered by grade, the total number of students enrolled in each advanced placement class, and these enrollments disaggregated by gender, race, and free and reduced lunch participation. The number of students who take the advanced placement tests and the average advanced placement examination scores by subject shall be disaggregated by gender, race, and free and reduced lunch participation;
- (b) At the high school level, an indication of whether a Commonwealth diploma is offered. If offered, the numbers of students earning this diploma shall be disaggregated by gender, race, and free and reduced lunch participation; and
- (c) The total number of students enrolled in the gifted and talented program in each of the following areas disaggregated by gender, race, and free and reduced lunch participation:
 - 1. General intellectual;
 - 2. Specific academic;
 - 3. Creativity;
 - 4. Leadership; and
 - 5. Creative and performing arts.

Section 6. Reporting Requirements; Timelines. (1) Prior to printing, the school council, or in the absence of a council, the principal, shall review and approve the school report card (base) and school report card (expanded). The school report card (base) shall be printed and shall be sent to parents and guardians having students in the schools.

- (2) A school and district report card (base) may be placed upon the Internet on a site maintained by the district and shall be linked to the official Department of Education Website.
- (3) District and school data supplied by the Department of Education shall be available electronically to districts no later than November 1 of each year.
- (4) A district shall have twenty-one (21) calendar days in which to report inaccurate data to the Department of Education school report card help desk and to request that the data be changed.
- (5) The Department of Education shall have twenty-one (21) calendar days from the receipt of the data change request from the district in which to either correct the data or to report to the district that the data will not be altered.
- (6) After all data alterations have been reported to the district by the Department of Education and before the school report card (base) is sent to parents and guardians, the district superintendent shall send a communication by letter, fax or e-mail to the Department of Education accepting the data as amended.

(7) A school report card (base) shall be sent to all parents and guardians no later than seventy-seven (77) calendar days from the department's original release of data to the schools.

(8) A school report card (expanded) shall be available in the schools no later than the date when the school report card (base) is sent to parents and guardians.

(9) A district report card (base) shall be published in the newspaper with the largest paid circulation in the county no later than the second Sunday in February.

(10) A district report card (expanded) shall be available in the district central office no later than the date when the district report card is published in the newspaper, and the school (base and expanded) and district (base and expanded) report cards may be made available on the Internet.

(11) All school and district report cards shall be made available to the Department of Education upon request.

Section 7. Verification; Audits. The Department of Education shall conduct an audit of school and district report cards for compliance with the provisions of this administrative regulation. School and district report card components generated at the school and district shall be delivered to the Department of Education upon request.

Section 8. Noncompliance. (1) Noncompliance shall include:

(a) Failure to meet a publication deadline;

(b) Failure to mail school report cards (base) or to implement a Department of Education approved plan for distributing them;

(c) Nonpublication of a card component or components;

(d) Unauthorized alteration of data; or

(e) Falsification of data.

(2) If a school or district fails to meet the timelines for publication of a component of the school report card, it shall communicate by letter to the Department of Education, identifying the component and indicating when the component was or will be communicated to the appropriate public.

(3) If a school or district fails to mail the school report cards (base) to parents and guardians and does not have a waiver granted by the Department of Education for a proposal that is equally effective in notifying parents or guardians of the card and its contents, it shall determine which parents and guardians did not receive a report card and supply one (1) to each of them.

(4) If a school or district refuses to produce a required component of the school report card, the matter shall be referred to the Division of Management Assistance to investigate and make recommendations to the Commissioner of Education.

(5) If a school or district alters data supplied by the department without authorization from the department, it shall supply documentation to the department demonstrating the accuracy of its changes. If the documentation cannot be produced or does not support the alterations made, the matter shall be treated as the publication of incorrect data in paragraph (e) of this subsection.

(6) If a school or district publishes incorrect information in a component of the report card, it shall supply corrected information to the audience that received the incorrect information, using the same medium by which it conveyed the original information. If there is reason to believe that the data error was intentional, the matter shall be referred to the Division of Management Assistance to investigate and make recommendations to the Commissioner of Education.

Section 9. Incorporation by Reference. (1) The "Calculation Procedures for Data Included in the School Report Card", August, 2000, is incorporated by reference.

(2) It may be inspected and copied at the Department of Education, Office of Assessment and Accountability, 18th Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky, Monday through Friday, 8 a.m. through 4:30 p.m. (27 Ky.R. 881; Am. 2148; eff. 1-18-2001.)

CALCULATION PROCEDURES FOR DATA INCLUDED IN THE SCHOOL REPORT CARD

December 2000

This document provides a compilation of all calculation procedures used in the school report card components. Databases used in various calculations are specified, as well as the office of the Department of Education that creates and maintains each database. Using this information, districts, schools and the general public should be able to derive the numbers included in the school report card. All data is from the base year unless the exception is specifically noted.

- (1) **“School or District Address and Contact Information”** shall be provided by the school or district and shall be for the current school year as opposed to the base year.
- (2) **“Total Enrollment”** shall be the number of students enrolled in the school at the end of the school year as reported to the Department of Education by the local school district superintendent. This data shall then be entered into the school and district report card data system by the Department of Education.
- (3) **“Kentucky Core Content Tests Academic indices,”** the percent scoring at the novice level, at the apprentice level, and at the proficient and distinguished levels (combined), and a narrative note describing the continuum of performance standards (Novice, Apprentice, Proficient, and Distinguished) shall be supplied by the Kentucky Department of Education.
- (4) **“National Norm Referenced Test”** shall be supplied by the Department of Education and shall be included in the data sent to schools and districts.
- (5) **“Nonacademic Data”** shall be supplied by the Department of Education and shall be the data resulting from the academic year prior to the “base year” including: 1) attendance and retention rates for the elementary school level, 2) attendance, retention, and dropout rates for the middle school level, and 3) attendance, retention, dropout, and successful transition to adult life rates for the high school level.
- (6) **“School Growth Chart”** shall be provided by the Kentucky Department of Education beginning with the 2001-2002 base year, and shall be consistent with the school and district data sent to districts by the Kentucky Department of Education describing the growth expectations required to be a “meets goal” or “progressing” school.
- (7) **“The Percent of Classes Taught by a Teacher Certified for Subject and Grade Level”** shall be calculated by dividing the number of classes taught by teachers who are certified by grade level and/or subject to teach the class by the total number of classes and multiplying this number by 100. This data shall be supplied and calculated by the local school and district.

$$\frac{\text{Number of classes taught by teachers certified by grade level and/or subject}}{\text{Total number of classes taught}} \times 100$$

- (8) (This calculation shall only apply to grades 6 through 12.) **“The Percent of Classes Taught by Teachers with a Major, Minor, or the Equivalent in the Subject Taught** (i.e., certified via an alternative route, having an endorsement in the area being taught, middle school areas of concentration for middle school certification, passing the relevant PRAXIS II content test, or other assessments stipulated by the Education Professional Standards Board)” shall be calculated by dividing the number of classes taught by teachers having a major, minor, or the equivalent in a subject taught divided by the total number of classes taught and multiplied by 100. Schools and districts shall supply this data.

$$\frac{\text{Number of classes taught by teachers with a major, minor, etc.}}{\text{Total number of classes taught}} \times 100$$

- (9) **“The Percent of Classes Taught by Teachers Participating in Content-focused Professional Development During the Base Year”** shall be calculated by dividing the number of classes taught by teachers actively participating in approved professional development in the content area divided by the total number of classes taught and multiplied by 100. Schools and districts shall supply this data.

$$\frac{\text{Number of classes taught by teachers successfully participating in PD, etc.}}{\text{Total number of classes taught}} \times 100$$

- (10) **“School Safety Data”** shall include procedures as to which the school or district will reply yes or no. Included are: “Visitors are required to sign in;” and “All parents received the district discipline code.” Schools and districts shall provide a brief narrative describing procedures in place for drugs and weapons detection. Schools and districts shall also report the percentage of classrooms with telephones able to access outside lines; the Department of Education shall supply from the School Safety database information on violations, the number of reported incidents, the number of students suspended or expelled for this violation, and the number of students transferred to alternative placement for this violation. The violations shall include “aggravated assault (with intent to cause injury),” “drug abuse violations,” and “weapons violations” as described by the Center for School Safety.
- (11) **“Spending Per Student-State”** shall be calculated by the Department of Education by dividing the total expenditures by all school districts in functions 1000 through 3900 in funds 1, 2, 310, 320, 350, and 51 by the total end of year average daily attendance. (Reference – “Chart of Accounts,” 702 KAR 3:120.)
- (12) **“Spending Per Student-District”** shall be calculated by the district dividing the total district expenditures in functions 1000 through 3900 in funds 1, 2, 310, 320, 350, and 51 by the district’s end of year average daily attendance. (Reference – “Chart of Accounts,” 702 KAR 3:120.)
- (13) **“Spending Per Student-School”** shall be calculated for the schools by the districts by dividing the expenditures for the school unit in functions 1000 through 3900 in funds 1, 2,

310, 320, 350, and 51 by the school's end of year average daily attendance. (Reference – “Chart of Accounts,” 702 KAR 3:120.)

- (14) **“Average Student/Teacher Ratio-State, District, and School”** shall be calculated by the district by dividing the end of year membership as reported to the Department of Education by the local district superintendent by the number of full-time equivalent teachers as reported on the beginning of year professional staff data report. “Full-time equivalent” shall be the amount of time employed divided by the time normally required by a full-time position. “Teachers” shall include all regular classroom teachers, vocational teachers, and exceptional children teachers, but shall exclude administrators, counselors, librarians, and supervisors.
- (15) **“Student/Computer Ratio”** shall be calculated by dividing the total number of KETS standard student workstations available to students by the average daily attendance.
- (16) **“Percent of Classrooms with at Least One Student Workstation with Internet Access”** shall be calculated by dividing the number of classrooms with at least one KETS standard student workstation with Internet access by the total number of classrooms and multiplying by 100. The Department of Education shall supply this percentage. If the school or district has an acceptable use policy (AUP) providing student access to teacher workstations with Internet access in the classroom, these classrooms may be counted toward this percentage.
- (17) **“The Integration of Technology into Instruction”** shall be described in a brief narrative supplied by schools and districts.
- (18) **“Number of Students Whose Parent/Guardian Had at Least One Teacher Conference (Includes Individual Conferences with Parents or Guardians and Teachers or Counselors)”** shall be supplied by schools and districts.
- (19) **“Number of Parents or Guardians Voting in School Council (School Based Decision Making) Elections”** shall be supplied by schools and districts.
- (20) **“Number of Parents or Guardians Serving on the School Council or Its Committees”** shall be supplied by schools and districts.
- (21) **“Number of Volunteer Hours”** shall be supplied by schools and districts and shall be determined by counting the number of hours parents, guardians, and other community members participated in school-related volunteer activities.

NONACADEMIC FACTORS

Dropout

According to the National Center for Educational Statistics (NCES) definition adopted by the Kentucky Board of Education, a dropout is an individual who:

1. Was enrolled in school at some time during the previous school year;
2. Was not enrolled at the beginning of the current school year;
3. Has not graduated from high school or completed a state or district approved educational program; and
4. Does not meet any of the following exclusionary conditions:
 - (a) Transfer to another public school district, private school, or state or district approved education program,
 - (b) Temporary absence due to suspension, or
 - (c) Death.

When determining dropouts, the following shall apply:

1. A school year is defined as the twelve (12-) month period of time beginning with the opening day of the school year and ending the day prior to the opening of the next school year.
2. A school completer has graduated from high school, or completed an approved educational program, upon receipt of formal recognition from school authorities.
3. A state or district approved program may include special education programs, home and hospital (homebound) instruction, and school sponsored elementary or secondary programs leading to an approved secondary GED or some other certification differing from the regular diploma.
4. Transfer may be demonstrated through a transcript request or other documentation giving evidence of continuing elementary or secondary education.

Dropout Rate (grades 7-12 only)	$\frac{\text{number of dropouts} \times 100}{\text{fall membership}}$
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Attendance

The percent of attendance shall be equal to the aggregate days attended by pupils in a public school for the school year divided by the aggregate days of attendance + aggregate days of absence of pupils in a public school for the school year.

Attendance Rate (grades P-12)	$= \frac{\text{aggregate days of attendance} \times 100}{\text{aggregate days of attendance} + \text{aggregate days of absence}}$
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Retention

The retention rate shall be equal to the number of students retained in a public school for the school year divided by the year-end membership of pupils in a public school for the school year. Retentions shall be collected for grades four through twelve (4-12).

Retention Rate (grades 4-12)	=	$\frac{\text{number of students retained} \times 100}{\text{year-end membership}}$
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Transition to Adult Life

The purpose of tracking graduates shall be to determine the degree to which Kentucky graduates are able to make a successful transition to adult life as required by KERA. Graduate shall refer to any student receiving a high school diploma or other certificate of successful completion (special education) between the opening day of the school year and the day prior to the opening of the next school year.

1. A graduate shall be considered successful if he or she is:
 - (a) Enrolled as a full-time student at a Postsecondary school (a minimum of 12 units per semester);
 - (b) Employed at least thirty (30) hours per week in a permanent position. Employment shall include paid work (self-employed or for a business), caring for children or family in the home, community service, or religious duties;
 - (c) An active member of the United States military; or
 - (d) Involved in any work and school combination adding up to at least thirty (30) hours per week.
2. High schools shall verify the status of each graduate. School personnel may use the information provided by seniors on the senior transition survey completed in the spring as a lead in verifying the status of each graduate.
3. Work (employment) shall include:
 - (a) Paid employment;
 - (b) Employments as an intern, apprentice, missionary, volunteer in community service;
 - (c) Unpaid labor in family business (such as a family farm);
 - (d) Caring for home or family; or
 - (e) Seasonal employment if it is cyclical rather than temporary.
4. Work (employment) shall not include:
 - (a) Temporary short-term employment;
 - (b) Seasonal employment on a one-time basis (not cyclical);
 - (c) Taking care of home or family due to unemployment; or
 - (d) Travel primarily for recreation.

5. If a graduate is working and going to school, the following table shall be used in determining whether he is considered successful for accountability purposes. "School/Work combination" is one of the categories for the status of a graduate. This category shall be used to indicate a successful work/school combination as shown in the following table:

Minimum School/Work Requirements for Successful Graduates

SCHOOL COURSE LOAD	+	MINIMUM WORK PER WEEK	EXAMPLES OF SUCCESSFUL GRADUATES
Full-time:			
12 semester units (6 quarter units)	+	None required	Full-time student in college, vocational, technical, or special school.
Part-time:			
9-11 semester units	+	5.0 hrs	Part-time student taking 10 units of college courses and working in a cafeteria 6 hrs per week.
6-8 semester units	+	12.5 hrs	Part-time student taking 6 units of courses in technical school and working 14 hours in an auto repair shop.
3-5 semester units	+	20 hrs	Part-time night student taking 5 units of courses and working at least 20 hours at a day job.
1-2 semester units	+	25 hrs	Graduate cares for family/home at least 25 hours per week and takes 2 units at local college.
Not in school	+	30.0 hrs	Gainfully employed at least 30 hours per week.

Transition Rate = $\frac{\text{number of successful graduates} \times 100}{\text{number of graduates}}$
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158.649 Achievement gaps -- Data on student performance -- Policy for reviewing academic performance -- Biennial targets -- Review and revision of consolidated plan.

- (1) "Achievement gap" means a substantive performance difference on each of the tested areas by grade level of the Commonwealth Accountability Testing System between the various groups of students including male and female students, students with and without disabilities, students with and without English proficiency, minority and nonminority students, and students who are eligible for free and reduced lunch and those who are not eligible for free and reduced lunch.
- (2) By November 1 of each year, the Department of Education shall provide each school council, or the principal if a school council does not exist, data on its students' performance as shown by the Commonwealth Accountability Testing System. The data shall include, but not be limited to, information on performance levels of all students tested, and information on the performance of students disaggregated by race, gender, disability, English proficiency, and participation in the federal free and reduced price lunch program. The information from the department shall include an equity analysis that shall identify the substantive differences among the various groups of students identified in subsection (1) of this section.
- (3) By December 1, 2002, each local board of education upon the recommendation of the local district superintendent shall adopt a policy for reviewing the academic performance on the state assessments required under KRS 158.6453 for various groups of students, including major racial groups, gender, disability, free and reduced price school lunch eligibility, and limited English proficiency. The local board policy shall be consistent with Kentucky Board of Education administrative regulations. Upon agreement of the school-based decision making council, or the principal if there is not a council, and the superintendent, the local board shall establish a biennial target for each school for reducing identified gaps in achievement as set out in subsection (4) of this section.
- (4) By February 1, 2003, and each February 1 in odd-numbered years thereafter, the school-based decision making council, or the principal if there is not a council, with the involvement of parents, faculty, and staff shall set the school's biennial targets for eliminating any achievement gap and submit them to the superintendent for consideration. The superintendent and the school-based decision making council, or the principal if there is not a council, shall agree on the biennial targets before they are submitted to the local board of education for adoption.
- (5) By April 1, 2003, and each April 1 in odd-numbered years thereafter, the school council, or the principal if a school council does not exist, with the involvement of parents, faculty, and staff, shall review the data and revise the consolidated plan to include the biennial targets, strategies, activities, and a time schedule calculated to eliminate the achievement gap among various groups of students to the extent it may exist. The plan shall include but not be limited to activities designed to address the following areas:

- (a) Curriculum alignment within the school and with schools that send or receive the school's students;
 - (b) Evaluation and assessment strategies to continuously monitor and modify instruction to meet student needs and support proficient student work;
 - (c) Professional development to address the goals of the plan;
 - (d) Parental communication and involvement;
 - (e) Attendance improvement and dropout prevention; and
 - (f) Technical assistance that will be accessed.
- (6) The principal shall convene a public meeting at the school to present and discuss the plan prior to submitting it to the superintendent and the local board of education for review, in the public meeting required under KRS 160.340
- (7) Based on the disaggregated biennial assessment results, the local board shall determine if each school achieved its biennial targets for each group of students. Only data for a group of students including ten (10) or more students shall be considered.
- (8) Notwithstanding KRS 160.345(8) and 158.070(8), if a local board determines that a school has not met its biennial target to reduce the identified gap in student achievement for a group of students, the local board shall require the council, or the principal if no council exists, to submit its revisions to the consolidated plan describing the use of professional development funds and funds allocated for continuing education to reduce the school's achievement gap for review and approval by the superintendent. The plan shall address how the school will meet the academic needs of the students in the various groups identified in subsection (1) of this section.
- (9) The superintendent shall report to the commissioner of education if a school fails to meet its targets to reduce the gap in student achievement for any student group for two (2) successive biennia. The school's consolidated plan shall be subject to review and approval by the Kentucky Department of Education and the school shall submit an annual status report. The Department of Education may provide assistance to schools as it deems necessary to assist the school in meeting its goals.
- (10) The school-based decision making council, or the principal if there is not a council, shall no longer be required to seek approval of the plan under subsections (8) and (9) of this section when it meets its biennial target for reducing the gap in student achievement for the various groups of students identified in subsection (1) of this section.

Effective: July 15, 2002

History: Created 2002 Ky. Acts ch. 302, sec. 1, effective July 15, 2002.